

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 3—THE PRESIDENT

### PROCLAMATION 2737

AIR FORCE DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS the Army Air Forces contributed immeasurably to our victory over the enemy in Europe and Asia, and stands ever ready to defend our nation in time of danger; and

WHEREAS our appreciation of liberty is strengthened by our recollection of the achievements of the living and the sacrifices of the dead, which through four decades have nurtured the growth of American air power; and

WHEREAS August 1, 1947, marks the fortieth anniversary of the birth of the Army Air Forces:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in order that we may more justly honor the men and women of the Army Air Forces and more fully acknowledge the contributions of all those who have developed and maintained our nation's air strength, do hereby proclaim Friday, August 1, 1947, as Air Force Day, and invite the Governors of all the States to issue proclamations calling for the observance of that day and I also direct that the flag of the United States be displayed on all public buildings on that day.

I remind all of our citizens that the air power of the nation is essential to the preservation of our liberty, and that the continued development of the science of air transportation is vital to the trade and commerce of a peaceful world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of July in the year nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,  
Secretary of State.

[F. R. Doc. 47-6570; Filed, July 10, 1947; 4:10 p. m.]

## TITLE 7—AGRICULTURE

Chapter 1—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

### U. S. STANDARDS FOR DATES<sup>1</sup>

On December 10, 1946, notice of proposed rule making was published in the FEDERAL REGISTER (11 F. R. 14210) regarding the proposed issuance of United States Standards for grades of dates. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for grades of dates are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved Aug. 14, 1946)

§ 52.293 *Dates*—(a) *Identity*. Dates are the properly cured fresh fruit of the date tree (*Phoenix dactylifera*)

(b) *Styles of dates*. (1) "Whole unpitted dates" or "whole dates" means whole dates from which the pits have not been removed and which may or may not be slit longitudinally.

(2) "Whole pitted dates" or "pitted dates" means whole dates from which the pits have been removed.

(3) "Cut dates" means pitted dates cut into pieces not less than 1/2 inch in any dimension.

(4) "Macerated dates" means dates that are ground, chopped, mashed, or broken, or that are cut or sliced into small pieces less than 1/2 inch in any dimension.

(c) *Moisture*. Federal inspection certificates will indicate the moisture content of the finished product.

(d) *Count*. Federal inspection certificates will indicate the number of whole unpitted dates or whole pitted dates per pound.

(e) *Grades for dates*. (1) "U. S. Grade A" or "U. S. Fancy" is the quality of whole dates or whole pitted dates of

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 4625)

## CONTENTS

### THE PRESIDENT

Proclamation	Page
Air Force Day, 1947.....	4623

### EXECUTIVE AGENCIES

#### Agriculture Department

See also Commodity Credit Corporation; Forest Service; Sugar Rationing Administration.

#### Notices:

Union Stock Yards, Chicago, Ill., petition for extension of temporary rates.....	4653
--	------

#### Proposed rule making:

Milk, handling, Greater Boston, Mass., area; amendment of order directing that referendum be conducted among producers .....	4647
--	------

#### Rules and regulations:

Citrus fruits in California and Arizona; limitation of shipments: .....	4627
Lemons.....	4628
Oranges.....	4623
Dates, U. S. standards for grades.....	4623
Grapes, Tokay, in California; budget of expenses and rate of assessment, 1947-48.....	4627
Regulation by size:	
Peaches, fresh, in Georgia.....	4628
Pears, Bartlett, in California.....	4626

#### Alien Property, Office of

#### Notices:

Vesting orders, etc..	4658
Bacher, Gottfried, et al.....	4658
Brinckmann, Wirtz & Co.....	4658
Clavel, C. R.....	4659
Emura, K.....	4659
Hanaoka, Masumi, et al.....	4659
Jurgeleit, Albert.....	4659
Mueller, Wolfgang.....	4659
Muhlendorf, Paul.....	4659
Needham, Helene.....	4659
Pintus, Fritz.....	4659
Pletcher, Anna Stern.....	4659
Przigodda, Albert F.....	4659
Reichert, Emil.....	4659
Rengert, Bertha.....	4659
Sakurai, G.....	4659
Shoten, Yamanaka.....	4659



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## CONTENTS—Continued

<b>Commodity Credit Corporation</b>	Page
Rules and regulations:	
Wheat loan and purchase agreement program, 1947 (Corr.)	4629
<b>Customs Bureau</b>	
Notices:	
Barber Asphalt Corp., et al., registration of house flag and funnel mark	4653

## RULES AND REGULATIONS

### CONTENTS—Continued

<b>Federal Power Commission</b>	Page
Notices:	
Hearings, etc..	
Florida Power Corp.	4653
New York State Natural Gas Corp.	4653
Panhandle Eastern Pipe Line Co.	4653
<b>Forest Service</b>	
Rules and regulations:	
Pisgah National Forest, North Carolina; hunting, fishing and trapping	4642
<b>Immigration and Naturalization Service</b>	
Rules and regulations:	
Primary inspection and detention; designation of International Falls Municipal Airport, International Falls, Minn., as temporary airport of entry for aliens	4629
<b>Internal Revenue Bureau</b>	
Rules and regulations:	
Cigars, tax-free withdrawals from customs bonded warehouses, Class 6; miscellaneous amendments	4637
Dealers in liquors, wholesale and retail; miscellaneous amendments	4639
<b>Interstate Commerce Commission</b>	
Notices:	
Reconsignment:	
Potatoes at St. Louis, Mo.	4654
Tomatoes at Philadelphia, Pa.	4654
<b>Land Management, Bureau of</b>	
Notices:	
Notice of filing of plats of survey	
California	4648
Idaho	4647
Rules and regulations:	
Leases, grazing; revision of part	4642
<b>Reclamation Bureau</b>	
Notices:	
Riverton Irrigation Project, Wyoming; availability of water for public and private lands and opening of public lands to entry	4648
Rules and regulations:	
Applications for entry on public lands and water rental; Riverton Irrigation Project, Wyoming	4644
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc..	
American Railways Corp.	4657
Birmingham Gas Co.	4655
Chicago and North Western Railway Co.	4654
Gas Service Co.	4657
Gulf, Mobile & Ohio Railroad Co.	4654
Interstate Power Co.	4656
Joy Mfg. Co.	4654
North American Co.	4655
Pennsylvania Edison Co., et al.	4655

### CONTENTS—Continued

<b>Sugar Rationing Administration</b>	Page
Rules and regulations:	
Administration; distribution of bases:	
Armed forces, former members	4639
New users	4641
Sugar rationing	4641
<b>Vocational Rehabilitation, Office of</b>	
Rules and regulations:	
Business enterprises program for blind; revision of part	4644
<b>War Department</b>	
Rules and regulations:	
Quartermaster General; organization, functions and procedures	4630
Transportation of individuals; sleeping car and similar accommodations	4634
<b>CODIFICATION GUIDE</b>	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.	
<b>Title 3—The President</b>	Page
Chapter I—Proclamations:	
2737	4623
<b>Title 6—Agricultural Credit</b>	
Chapter II—Production and Marketing Administration (Commodity Credit)	
Part 251—Wheat loans and purchase agreements	4620
<b>Title 7—Agriculture</b>	
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)	
Part 52—Processed fruits, vegetables, and other products (inspection, certification and standards)	4623
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Part 904—Milk in Greater Boston, Mass., marketing area (proposed)	4647
Part 936—Fresh Bartlett pears, plums, and Elberta peaches grown in California	4626
Part 951—Tokay grapes grown in California	4627
Part 953—Lemons grown in California and Arizona	4627
Part 962—Fresh peaches grown in Georgia	4628
Part 966—Oranges grown in California and Arizona	4628
<b>Title 8—Aliens and Nationality</b>	
Chapter I—Immigration and Naturalization Service, Department of Justice:	
Part 110—Primary inspection and detention	4629

## CODIFICATION GUIDE—Con.

Title 10—Army: War Department	Page
ment	
Subtitle A—Organization, functions and procedures:	
Part 2—Organization, functions and procedures of agencies dealing with the public.....	4630
Chapter IX—Transport:	
Part 903—Transportation of individuals .....	4634
Title 26—Internal Revenue	
Chapter I—Bureau of Internal Revenue, Department of the Treasury	
Part 142—Tax-free withdrawals of cigars from customs bonded warehouses, Class 6.....	4637
Part 194—Wholesale and retail dealers in liquors.....	4639
Title 32—National Defense	
Chapter VII—Sugar Rationing Administration, Department of Agriculture:	
Part 705—Administration (2 documents).....	4639, 4641
Part 707—Rationing of sugar.....	4641
Title 36—Parks and Forests	
Chapter II—Forest Service, Department of Agriculture:	
Part 241—Wildlife.....	4642
Title 43—Public Lands: Interior	
Chapter I—Bureau of Land Management, Department of the Interior:	
Part 160—Grazing leases.....	4642
Chapter II—Bureau of Reclamation, Department of the Interior:	
Part 401—Applications for entry on public lands and water rental.....	4644
Title 45—Public Welfare	
Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency	
Part 601—Business enterprises program for the blind.....	4644

one variety that are well matured, well developed, plump, and well fleshed; are practically uniform in size; are practically uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 10 percent by weight may be damaged by discoloration, broken skin, checking, deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury; or may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material: *Provided*, That,

(a) Not more than three-fifths of the total tolerance, or 6 percent by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material;

(b) Not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by souring, mold, decay,

insect infestation (no live insects permitted), dirt or other foreign material; and

(c) Not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of whole dates or whole pitted dates of one variety that are reasonably well matured, reasonably well developed, reasonably plump, and reasonably well fleshed; are reasonably uniform in size; are reasonably uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 15 percent by weight may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury or may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material: *Provided*, That,

(a) Not more than eight-fifteenths of the total tolerance or 8 percent by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material;

(b) Not more than one-third of the total tolerance, or 5 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material; and

(c) Not more than one-fifteenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of whole dates or whole pitted dates of one variety: are fairly well matured, fairly well developed, fairly plump, and fairly well fleshed; are fairly uniform in size; fairly uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 20 percent, by weight, may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That,

(a) Not more than one-half of the total tolerance, or 10 percent, by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material;

(b) Not more than one-fourth of the total tolerance, or 5 percent, by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt or other foreign material; and

(c) Not more than one-tenth of the total tolerance, or 2 percent, by weight, may be affected by decay.

(4) "U. S. Grade D" or "Substandard", when applied to whole dates or whole pitted dates, is the quality of such dates that are wholesome and edible but fail to

meet the requirements of U. S. Grade C or U. S. Standard; and, when applied to cut dates or macerated dates, is the quality of such cut or macerated dates that are wholesome and edible, *Provided*, That the particular style of dates may possess defects within the following limits:

(i) Not more than a total tolerance of 5 percent, by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted) dirt, or other foreign material; and not more than 2 percent, by weight, of the dates may be affected by decay.

(f) *Explanation of terms*—(1) *Maturity*. (i) "Well matured" means that the dates are fully ripe and are soft, moist, and translucent.

(ii) "Reasonably well matured" means that the dates may not have reached the fully ripe stage but are pliable and translucent.

(iii) "Fairly well matured" means that the dates may be firm but are not immature and are semi-translucent.

(2) *Uniformity of size*. (i) "Practically uniform in size" means that not more than a total of 10 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 15 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(iii) "Fairly uniform in size" means that not more than a total of 20 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(3) *Uniformity of color*. (i) "Practically uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 5 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 5 percent, by count, light amber dates.

(ii) "Reasonably uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 10 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 10 percent, by count, light amber dates.

(iii) "Fairly uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 20 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 20 percent, by count, light amber dates.

(4) *Definition of defects*. (i) "Damage by discoloration" is the presence of a dark area, in the flesh of the date, that is visible through the skin, which dark area is more than one-fourth inch in width and extends more than half the length of the date, such darkening being

## RULES AND REGULATIONS

of natural origin and not caused by mold or other organism.

(ii) "Damage by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths inch.

(iii) "Damage by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total skin surface.

(iv) "Damage by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(v) "Damage by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface.

(vi) "Damage by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths inch in the shortest dimension.

(vii) "Damage by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths inch in the shortest dimension.

(viii) "Damage by side spot" means a very dark area, generally occurring circular in appearance, extending into the flesh of the date and, when decayed tissue or mold is not present, affects in the aggregate an area not less than the area of a circle three-sixteenths inch in diameter.

(ix) "Damage by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-eighth of the total surface of the date.

(x) "Damage by semi-dry calyx end" means that the flesh at the stem end of the date, constituting not less than one-eighth and not more than one-fourth of the date, is immature in character and appreciably harder and more dry than the balance of the date.

(xi) "Damage by dry calyx end" means that the flesh at the stem end of the date, constituting more than one-fourth of the date, is immature in character and appreciably harder and more dry than the balance of the date.

(xii) "Damage by lack of pollination" means, with respect to whole dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole or whole unpitted dates or by thin, immature appearance of the date.

(xiii) "Damage by improper ripening" means evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable soft pliable condition.

(xvi) "Damage by improper curing or improper hydrating" means that the date has been injured by excessive heat or that the curing or hydrating process is incomplete.

(xv) "Damage by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(xvi) "Damage by blacknose" is the condition of a date involving severe checking in which the flesh becomes dark, crusty, and dry and affects an area greater than one-eighth of the total surface of the date.

(xvii) "Damage by black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(xviii) "Damage by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date or the whole unpitted date.

(xix) "Affected by souring" is the condition of a date in which the sugar has been broken down into alcohol and acetic acid by yeasts and bacteria.

(xx) "Affected by mold" is the presence of visible mold.

(xxi) "Affected by decay" is a condition of decomposition.

(xxii) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects permitted.)

(xxiii) "Affected by dirt or other foreign material" is the presence of any quantity of such substances.

(g) *Work sheet for dates.*

Size and kind of container.....				
Container code or markings.....				
Label or brand.....				
Net weight.....				
Style.....				
Moisture.....				
Count of whole (unpitted or pitted) (per pound):				
Whole (unpitted or pitted).....	A	B	C	D
Maturity.....				
Development.....				
Plumpness and flesh.....				
Uniformity of size.....				
Uniformity of color.....				
DEFECTS				
Damage by—				
Discoloration, broken skin, checking, deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blackness, black scald, mechanical injury.....	Percent 10	Percent 15	Percent 20	Percent (?)
or				
Affected by—				
Souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material.....				
Damage by side spot or black scald or affected by souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material.....	6	8	10	(?)
Affected by souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material.....	4	5	5	5
Affected by decay.....	1	1	2	2
Cut or macerated.....				Same as above.
Grade.....				

<sup>1</sup> No limit for damage by discoloration, broken skin, or checking.

<sup>2</sup> No limit for damage by discoloration, broken skin, checking, or semi-dry calyx end.

<sup>3</sup> No limit, except as specifically stated.

(h) *Effective time.* The United States Standards for Grades of Dates (which are the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 733, 79th Cong.)

Issued at Washington, D. C., this 9th day of July 1947.

[SEAL]

F. R. BURKE,  
Acting Assistant Administrator  
Production and Marketing  
Administration.

[F. R. Doc. 47-6546; Filed, July 11, 1947;  
8:47 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS,  
AND ELBERTA PEACHES GROWN IN  
CALIFORNIA

### REGULATION BY SIZES

§ 936.326 *Bartlett Pear Order 1—(a)*  
*Findings.* (1) Pursuant to the market-

ing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy

of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 14, 1947, and ending at 12:01 a. m., P. s. t., December 1, 1947, no shipper shall ship any box or container of Bartlett pears containing pears of a size smaller than the size known commercially as size 195 that will pack a standard pack, as specified in the United States Standards for summer and fall pears (12 F. R. 3800). The aforesaid size 195 is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Bartlett pears which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least ninety-five (95) percent, by number of boxes, shall be of a size not smaller than the size known commercially as size 180 that will pack a standard pack, specified as aforesaid; and the aforesaid size 180 is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such total quantity shall be of the aforesaid size 195.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Bartlett pears of the aforesaid size 195, the amount of such undershipment of such pears may be shipped only during the next succeeding calendar day, in addition to such Bartlett pears of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid size 180 is defined more specifically as the size that will pack a standard pack, specified as aforesaid, in the standard pear box numbered 20, as specified in section 828.3 of the Agricultural Code of California, with five tiers per box with six rows per tier and six pears in each row and the twenty (20) smallest pears shall weigh not less than five pounds.

(4) As used in this section, the aforesaid size 195 is defined more specifically as the size that will pack a standard pack, specified as aforesaid, in the aforesaid standard pear box, with five tiers per box with six rows per tier, and each of three of such rows shall contain six pears, and the remaining three rows shall contain seven pears each per row; and the twenty-two (22) smallest pears shall weigh not less than five pounds.

(5) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee, Federal-State

shipping point inspection certificates stating the sizes of the Bartlett pears contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection as made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) As used in this section, the terms "shipper," "ship," "shipped," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL]

S. R. SMITH,  
Director,

Fruit and Vegetable Branch.

[F. R. Doc. 47-6565; Filed, July 11, 1947; 8:49 a. m.]

#### PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

##### DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 SEASON

Notice was published in the FEDERAL REGISTER (12 F. R. 3537), dated May 30, 1947, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1947-48 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.202 *Budget of expenses and rate of assessment for the 1947-48 season.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of

the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions of the aforesaid amended marketing agreement and order, during the season beginning April 1, 1947, and ending March 31, 1948, both dates inclusive, will amount to \$21,021.00, and the rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order, by each handler who first handles Tokay grapes shall be fourteen mills (\$0.014) per each 100 pounds, billing weight, of Tokay grapes shipped by him as the first shipper thereof during said season; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

The approved rate of assessment in the amount of fourteen mills (\$0.014) per each 100 pounds, billing weight, of Tokay grapes shipped, as aforesaid, shall become effective thirty days after the publication of this determination in the FEDERAL REGISTER.

As used in this section, the terms "handler," "handles," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 951.3 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL]

N. E. DODD,

Acting Secretary of Agriculture.

[F. R. Doc. 47-6517; Filed, July 11, 1947; 8:47 a. m.]

[Lemon Reg. 230]

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### LIMITATION OF SHIPMENTS

§ 953.337 *Lemon Regulation 230—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared

policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1947, and ending at 12:01 a. m., P. s. t., July 20, 1947, is hereby fixed at 685 carloads, or an equivalent quantity.

(2) The prorated base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorated base schedule which is attached to Lemon Regulation 229 (12 F. R. 4366) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL]

S. R. SMITH,  
Director

*Fruit and Vegetable Branch.*

[F. R. Doc. 47-6566; Filed, July 11, 1947;  
8:49 a. m.]

[Peach Order 3, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN  
GEORGIA

#### REGULATION BY SIZE

*Findings.* (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum Supp., 962.1 et seq.) regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

*Peach Order 3, as amended.* During the period beginning at 12:01 a. m., e. s. t., July 14, 1947, and ending at 12:01 a. m., e. s. t., September 1, 1947, the provisions in paragraph (b) (1) (i) of § 962.303 (Peach Order 3, 12 F. R. 4366) shall read as follows:

(i) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Halberta, Harden's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, White Hale, or Woodland Cling varieties which are of a size smaller than 1¾ inches in diameter (as "diameter" is defined in the United States Standards for Peaches, 12 F. R. 3798) except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or in any lot of packages may be of a size smaller than 1¾ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of such peaches contained in any individual package in any lot may be of a size smaller than 1¾ inches in diameter, as aforesaid; or

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Peach Order 3, or (2) as releasing or extinguishing any violation of said Peach Order 3 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL]

S. R. SMITH,  
Director,

*Fruit and Vegetable Branch.*

[F. R. Doc. 47-6564; Filed, July 11, 1947;  
9:25 a. m.]

[Orange Reg. 186]

PART 966—ORANGES GROWN IN CALIFORNIA  
AND ARIZONA

#### LIMITATION OF SHIPMENTS

§ 966.332 *Orange Regulation 186—*  
(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in

that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1947, and ending at 12:01 a. m., P. s. t., July 20, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,500 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorated base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorated base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL]

S. R. SMITH,  
Director,

*Fruit and Vegetable Branch.*

#### PRORATE BASE SCHEDULE

[12:01 a. m. July 13, 1947 to 12:01 a. m.  
July 20, 1947]

#### VALENCIA ORANGES

##### Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000

A. F. G. Alta Loma	0788
A. F. G. Fullerton	.9174
A. F. G. Orange	.6418
A. F. G. Redlands	.2395
A. F. G. Riverside	1271
A. F. G. San Juan Capistrano	.8450
A. F. G. Santa Paula	.4208
Corona Plantation Co.	.2455
Hazeltine Packing Co.	.3946
Signal Fruit Association	.0820
Azusa Citrus Association	.4040
Azusa Orange Co., Inc.	1358
Damerel-Ailison Co.	.9044
Glendora Mutual Orange Association	.3908
Irwindale Citrus Association	.3783
Puente Mutual Citrus Association	.1999



## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Valencia Heights Orchards Association	0.4382
Glendora Citrus Association	.3588
Glendora Heights Orange & Lemon Growers Association	.0784
Gold Buckle Association	.5808
La Verne Orange Association	.6615
Anaheim Citrus Fruit Association	1.4783
Anaheim Valencia Orange Association	1.4209
Eadington Fruit Co.	2.0972
Fullerton Mutual Orange Association	1.6621
La Habra Citrus Association	1.1819
Orange County Valencia Association	.6783
Orangethorpe Citrus Association	1.0425
Placentia Cooperative Orange Association	.7534
Yorba Linda Citrus Association, The	.5857
Alta Loma Heights Citrus Association	.0965
Citrus Fruit Growers	.1069
Cucamonga Citrus Association	.1358
Etiwanda Citrus Fruit Association	.0431
Old Baldy Citrus Association	.1361
Rialto Heights Orange Growers	.0914
Upland Citrus Association	.4134
Upland Heights Orange Association	.1553
Consolidated Orange Growers	1.9204
Frances Citrus Association	1.0909
Garden Grove Citrus Association	1.7718
Goldenwest Citrus Association, The	1.4005
Irvine Valencia Growers	2.3859
Olive Heights Citrus Association	1.6599
Santa Ana-Tustin Mutual Citrus Association	.9855
Santiago Orange Growers Association	3.6676
Tustin Hills Citrus Association	1.8767
Villa Park Orchards Association, The	1.8264
Bradford Bros., Inc.	.6585
El Modena Citrus, Inc.	.3809
Placentia Mutual Orange Association	1.7872
Placentia Orange Growers Association	2.5301
Call Ranch	.0686
Corona Citrus Association	.4692
Jameson Co.	.0371
Orange Heights Orange Association	.3763
Break & Son, Allen	.0578
Bryn Mawr Fruit Growers Association	.2706
Crafton Orange Growers Association	.3904
E. Highlands Citrus Association	.0280
Fontana Citrus Association	.0853
Highland Fruit Growers Association	.0519
Krinard Packing Co.	.2677
Mission Citrus Association	.1466
Redlands Cooperative Fruit Association	.4157
Redlands Heights Groves	.2550
Redlands Orange Growers Association	.2671
Redlands Orangedale Association	.2898
Redlands Select Groves	.1648
Rialto Citrus Association	.1540
Rialto Orange Co.	.1535
Southern Citrus Association	.2062
United Citrus Growers	.1488
Zillen Citrus Co.	.1040
Arlington Heights Fruit Co.	.1036
Brown Estate, L. V. W.	.1348
Gavilan Citrus Association	.1578
Hemet Mutual Groves	.1147
Highegrove Fruit Association	.0791
McDermont Fruit Co.	.1637
Mentone Heights Association	.0686

## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Monte Vista Citrus Association	0.2276
National Orange Co.	.0417
Riverside Growers, Inc.	.0266
Riverside Heights Orange Growers Association	.0833
Sierra Vista Packing Association	.0539
Victoria Avenue Citrus Association	.1801
Claremont Citrus Association	.1229
College Heights Orange & Lemon Association	.2256
El Camino Citrus Association	.0342
Indian Hill Citrus Association	.1721
Pomona Fruit Growers Exchange	.3000
Walnut Fruit Growers Association	.4409
West Ontario Citrus Association	.3023
El Cajon Valley Citrus Association	.3163
Escondido Orange Association	2.4667
San Dimas Orange Growers Association	.5111
Covina Citrus Association	1.0327
Covina Orange Growers Association	.4055
Duarte-Monrovia Fruit Exchange	.2561
Santa Barbara Orange Association	.0321
Ball & Tweedy Association	.6235
Canoga Citrus Association	.2491
N. Whittier Heights Citrus Association	.9410
San Fernando Fruit Growers Association	.4471
San Fernando Heights Orange Association	.8721
Sierra Madre-Lamanda Citrus Association	.4031
Camarillo Citrus Association	1.5136
Fillmore Citrus Association	3.0339
Mupu Citrus Association	2.2937
Ojai Orange Association	.6921
Piru Citrus Association	2.0291
Santa Paula Orange Association	1.0389
Tapo Citrus Association	1.1201
Limoneira Co.	.4019
E. Whittier Citrus Association	.4632
El Ranchito Citrus Association	1.3327
Murphy Ranch Co.	.4797
Rivera Citrus Association	.5523
Whittier Citrus Association	.7002
Whittier Select Citrus Association	.4706
Anaheim Cooperative Orange Association	1.1636
Bryn Mawr Mutual Orange Association	.6924
Chula Vista Mutual Lemon Association	.0928
Escondido Cooperative Citrus Association	.3371
Euclid Avenue Orange Association	.4285
Foothill Citrus Union, Inc.	.0336
Fullerton Cooperative Orange Association	.4129
Garden Grove Orange Cooperative, Inc.	.7313
Glendora Cooperative Citrus Association	.0571
Golden Orange Groves, Inc.	.2825
Highland Mutual Groves	.0674
Index Mutual Association	.1503
La Verne Cooperative Citrus Association	1.1971
Olive Hillside Groves	.7704
Orange Cooperative Citrus Association	1.1631
Redlands Foothill Groves	.4512
Redlands Mutual Orange Association	.1676
Riverside Citrus Association	.0692
Ventura County Orange & Lemon Association	.9472
Whittier Mutual Orange & Lemon Association	.1763
Babyluce Corp. of Calif.	.4632
Banks Fruit Co.	.2913
Banks, L. M.	.5432
Borden Fruit Co.	.7763
California Fruit Distributors	.2627

## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Cherokee Citrus Co., Inc.	0.1011
Chess Co., Meyer W.	.2103
Escondido Avocado Growers	.0533
Evans Bros. Packing Co.	.2526
Gold Banner Association	.2246
Granada Hills Packing Co.	.0835
Granada Packing House	2.1728
Hill, Fred A.	.6774
Inland Fruit Dealers	.0524
Mills, Edward	.1035
Orange Belt Fruit Distributors	1.9239
Panno Fruit Co., Carlo	.0327
Paramount Citrus Association	.4089
Placentia Orchards Co.	.4923
Placentia Pioneer Valley Growers Association	.6567
San Antonio Orchards Co.	.3338
Santa Fe Groves Co.	.0513
Snyder & Sons Co., W. A.	.9733
Stephens, T. F.	.0334
Sunny Hills Ranch, Inc.	.1197
Ventura County Citrus Association	.0239
Verity & Sons Co., R. H.	.0365
Wall, E. T.	.1241
Webb Packing Co.	.1939
Western Fruit Growers, Inc., Ana	.0497
Western Fruit Growers, Inc., Reds	.6562
Yorba Orange Growers Association	.6355

[F. R. Doc. 47-6567; Filed, July 11, 1947; 8:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

## Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. Wheat Bulletin 1, Supp. 1]

## PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

## 1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

## Correction

In Federal Register Document 47-6248, appearing at page 4257 of the issue for Wednesday, July 2, 1947, the undesignated paragraph preceding the final table in subparagraph (1) of § 251.126 (a) should read as follows:

The terminal rate for other No. 1 wheat shall be determined by subtracting the following discounts from the applicable terminal rates:

## TITLE 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## Subchapter E—Immigration Regulations

## PART 110—PRIMARY INSPECTION AND DETENTION

## DESIGNATION OF INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINN., AS TEMPORARY AIRPORT OF ENTRY FOR ALIENS

JULY 2, 1947.

Paragraph (b) of § 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "International Falls, Minn., International

Falls "Municipal Airport" between "Havre, Mont., Havre-Hill County Airport" and "Laredo, Tex., Laredo Municipal Airport" in the list of temporary airports of entry for aliens.

Notice of the proposed designation of the International Falls Municipal Airport as a temporary airport of entry for aliens was published in the *FEDERAL REGISTER* dated June 4, 1947 (12 F. R. 3631) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup. 1003). The designation shall be considered as having become effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) it is in the public interest that the immigration facilities be made available as soon as possible, and (2) the designation for customs purposes has been made effective on June 1, 1947 (12 F. R. 3806). The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with immigration requirements.

(Sec. 7 (d), 44 Stat. 572; sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d) 5 U. S. C. 133t)

TOM C. CLARK,  
Attorney General.

Recommended: June 25, 1947.

UGO CARUSI,  
Commissioner of Immigration  
and Naturalization.

[F. R. Doc. 47-6526; Filed, July 11, 1947;  
8:48 a. m.]

## TITLE 10—ARMY WAR DEPARTMENT

### Subtitle A—Organization, Functions and Procedures

#### PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH PUBLIC

##### QUARTERMASTER GENERAL

Part 2, Subtitle A, Title 10, Code of Federal Regulations is amended as follows:

1. In § 2.163 (11 F. R. 177A-795) revise paragraphs (a) and (b) and amend subparagraphs (10) and (14) of paragraph (c) as follows:

§ 2.163 *Responsibility.* The Quartermaster General is responsible for supplying the Army with equipment, supplies and services for which the Quartermaster Corps is responsible; for procuring, storing and distributing such equipment and supplies in quantities and at such times as may be required to meet the Army Supply Program and directives of higher authority; for procuring for the Technical and Administrative Services and agencies of the Government items normally stored and issued by the Quartermaster Corps and items similar thereto for which the Quartermaster Corps has been assigned purchase responsibility; for the administrative control of General Depots; and for the administration and operation of Quartermaster De-

pots; for providing Quartermaster items required for civilian needs in occupied territories; for insuring proper training of technical supply and service troops under the jurisdiction of The Quartermaster General and QM personnel and units of the organized reserve; for providing for the training of Quartermaster technical specialists for the whole Army; for advising with major commands at their request or as directed by the Chief of Staff on the training of their organic troops performing Quartermaster functions; for recommending methods of operation for installations providing Quartermaster services to troops; for insuring by technical assistance that prescribed methods are used; for maintaining an adequate supply of spare parts for which The Quartermaster General has supply responsibility; for developing Quartermaster supplies and equipment which will meet the most exacting requirements of combat and service conditions; for developing standards for the preparation, service, and selection of food for the Army, and for insuring that these standards are adhered to, except for those items pertaining only to Army Air Forces; for supplying and training horses, mules and dogs for military purposes; for providing for the proper disposition of deceased personnel of the War Department and overseas American dead of World War II, and for the handling and dispositions of personal effects.

(a) The office of The Quartermaster General will perform the following staff functions for the War Department:

(1) Determine policies and procedures for the operation of the Quartermaster Corps within the limits prescribed by higher authority.

(2) Determine over-all requirements of Quartermaster items of supply with respect to quantities needed and timing of delivery.

(3) Participate in the preparation of future war plans, readjustment plans and post war plans with respect to activities of the Quartermaster Corps.

(4) Plan and supervise the purchase and inspection of clothing, equipage, general supplies, subsistence, fuels (liquid and solid) lubricants, materials handling equipment and other equipment and supplies assigned to the Quartermaster Corps; procure for the Technical and Administrative Services and agencies of the Government items assigned to the Quartermaster Corps for procurement.

(5) Plan and supervise the storage and distribution of Quartermaster items of supply in installations controlled by the Quartermaster General; develop and install standard storage operating procedures in Headquarters and Quartermaster Sections of General Depots and in Quartermaster Depots; plan and supervise the classification of returns of excess Quartermaster supplies; develop and install standard classification procedures in Quartermaster Sections of General Depots and in Quartermaster Depots; supervise the administration of the War Department Commercial Warehouse Storage Plan which provides commercial storage space for the Technical and Administrative services; maintain technical control of the utilization of refrigerated space for the storage of subsistence.

(6) Prescribe policies and procedures for the determination and establishment of depot quantitative stock levels for Quartermaster items of supply; review and approve stock levels established by depots for reasonable distribution and determine levels for filler stocks of Quartermaster items of supply.

(7) Coordinate with the Civil Affairs Division, the supply of Quartermaster items for civilian needs in occupied territories in accordance with directives of higher authority and coordinates with Military Government the development of Quartermaster issue requirements for civilian needs in occupied areas under Army responsibility.

(8) Prepare and recommend procedures for the use of the Army areas with respect to the storage, issue and maintenance of Quartermaster supplies and equipment, and by means of inspections, determine if established procedures are properly followed.

(9) Supervise the purchase, storage and issue of spare parts for Quartermaster equipment, the operations of Quartermaster controlled shops for the repair of such equipment, and the development of maintenance manuals; exercise technical supervision of other than Quartermaster shops which repair Quartermaster equipment.

(10) Supervise the establishment and technical control of the operation of installations for bread baking, central meat cutting, fat rendering, central pastry baking, laundering, dry cleaning, repairing of Quartermaster supplies and equipment, and Quartermaster Sales Stores and Commissaries.

(11) Insure, by proper inspection, the operating efficiency of Quartermaster installations, and headquarters and Quartermaster Sections of General Depots, and the Technical efficiency of Quartermaster units under the Armies.

(12) Conduct research on, design and develop new and improved Quartermaster items; arrange for field and laboratory tests of the suitability of such items; prepare specifications for Quartermaster items.

(13) Prepare tables of organization and equipment for units under the jurisdiction of the Quartermaster General; review and edit from a technical viewpoint the Quartermaster section of all tables of organization and equipment and tables of allowances; prepare tables of allowances and/or equipment for Quartermaster items of supply and tables of organization and equipment when required.

(14) Develop plans for, and supervise the operation of the Army Food Service Program, including mess management and menu planning activities except the operation of hospital patient messes and aboard vessels operated by the Chief of Transportation; prepare master menus for the Army.

(15) Represent the War Department on the Food Requirements and Allocations Committee and all Inter-Agency Committees concerned with procurement, cold storage and other requirements and allocations activities connected with food. (Representation on Food Requirements and Allocations Committees and



all Inter-Agency Committees on matters pertaining to civilian food requirements of the occupied areas will be coordinated with Civil Affairs Division.)

(16) Perform all staff functions necessary to the discharge of operating responsibilities for fuels (liquid and solid) lubricants and containers therefor within the Technical Services except for staff functions specifically assigned to the War Department General Staff, to other Technical Services or the Army Air Forces.

(17) Maintain liaison for the War Department on all matters pertaining to fuels (liquid, solid and gaseous) and lubricants with other Government agencies; act for the Director of Service, Supply and Procurement, WDGS, in his capacity as member of the Army-Navy Petroleum Board, represent the War Department on Inter-Agency Committees concerned with solid fuels.

(18) Determine Quartermaster Corps personnel requirements and provide Quartermaster personnel under War Department plans.

(19) Plan and schedule quotas of Quartermaster Corps personnel to be trained, and supervise the training of military and civilian personnel within the Quartermaster Corps, and of Quartermaster specialists for the Army at large; approve training programs for Quartermaster personnel and units of the Organized Reserve.

(20) Formulate training doctrine for Quartermaster schools and training installations; prepare curricula, training courses, technical instructions, manuals and other publications for the training of Quartermaster personnel, and supervise information and education activities at Class II installations under the jurisdiction of The Quartermaster General.

(21) Supervise remount activities, including the operation of the Army Horse Breeding Program, and the acquisition and training of dogs for military purposes.

(22) Plan and supervise the handling and disposition of personal effects, and the recovery and disposition of deceased personnel, the establishment, operation and maintenance of National Cemeteries in the United States and territories and Temporary American Military Cemeteries overseas.

(23) Represent the Quartermaster Corps in securing funds necessary for Quartermaster activities.

(24) Interpret laws of Congress and regulations of Federal Agencies with respect to their effect upon Quartermaster activities.

(25) Store household effects as prescribed by the War Department.

(26) Prepare plans for mobilization of industrial and supply facilities, in accordance with instructions from higher authority.

(27) Maintain control of Quartermaster items of materiel required for reserve stocks; establish policies regarding administration of such stocks.

(28) Supervise conservation policies and practices throughout the Quartermaster Corps.

(29) Administers the over-all control of sugar rationing within the War Department.

(30) Supervise disposal of surplus Quartermaster property in accordance with policies established by higher authority.

(31) Determine Quartermaster Corps requirements of strategic and critical items to be included in national stock piles.

(32) Prepare Quartermaster Corps annexes of war and mobilization plans and maintain the plans current in accordance with policies established by higher authority.

(b) The Office of The Quartermaster General will directly perform the following functions for the War Department General Staff:

(1) Allocate storage space in Quartermaster Depots, Quartermaster Sections of Army General Depots, and Commercial storage space for Quartermaster supplies, equipment and parts; allocate commercial storage space used by all technical services.

(2) Determine requirements and make recommendations for final selection of sites for, and approve plans for the development of all cemeteries under the jurisdiction of the War Department; procure headstones and markers; maintain all grave registration and interment records of deceased personnel; provide for the disposition of deceased personnel of the War Department and World War II American dead; maintain all grave registration records.

(3) Formulate policies governing the Technical Services in the computation and compilation of requirements of petroleum products, fuels (liquid and solid) and lubricants of Quartermaster Supply, and containers therefor (excluding requirements for Army Air Forces aircraft) and conduct necessary inspections as to adherence to such policies; supervise and standardize methods employed by Technical Services in reporting procurement and consumption, supervise computation of requirements of the U. S. Army, screen and adjust such requirements for inclusion in the Army Supply Program; under the general direction of the Civil Affairs Division, formulate policies and procedures governing the computation of civilian requirements of these items in occupied areas for which the Army has responsibility, and assemble all such requirements for approval of the Civil Affairs Division of the Army Special Staff for inclusion in the Army Supply Program; consolidate above requirements for presentation to higher Army authority and to the Army-Navy Petroleum Board; and notify the Technical Services of approval of such requirements, or, if reductions have been made, make allocations between the Technical Services and notify them accordingly.

(4) Perform the detailed planning functions (including screening requirements and requisitions received from theaters of operation) and assume responsibility for supervision and coordination of planning by the Chiefs of Technical Services for the procurement, storage and distribution (including mode of movement) of all petroleum products with which The Quartermaster General is normally concerned; maintain close liaison and coordinate plans if necessary for the overseas reception, storage

and movement of aviation petroleum products with Army Air Forces and the Technical Services concerned.

(c) The Office of Quartermaster General.

(10) Maintenance installations under the jurisdiction of The Quartermaster General for the repair of clothing and equipage, general supplies, and Quartermaster mechanical equipment items except in connection with installed kitchen equipment which is the responsibility of the Corps of Engineers.

(14) American Graves Registration Service activities in the American Zone, Africa, Middle East Theater Zone, China Zone and India-Burma Zone, and such other areas and zones as may be subsequently assigned to The Quartermaster General by the War Department.

2. Section 2.164 (11 F. R. 177A-797) is superseded by the following:

§ 2.164 *Organization.* The organizational elements of the office of The Quartermaster General and their functions are:

(a) *Executive Office.* (1) Performs such duties as The Quartermaster General may assign.

(2) Provides a management consulting service to the Office of The Quartermaster General and to Quartermaster field installations on questions of policy, organization, procedures and controls in the Quartermaster Corps.

(3) Performs all legal functions and carries on all legal business arising in or pertaining to any of the divisions within the Office of The Quartermaster General.

(4) Plans, secures information for and prepares press releases, special articles, radio scripts, motion picture scripts, picture layouts, fact sheets, pamphlets, speeches and miscellaneous information material on Quartermaster Corps activities for dissemination to the public.

(b) *Administrative Division.* (1) Distributes all mail and messages received within OQMG, except top secret and registered documents pertaining to War Plans.

(2) Collects and dispatches all communications from the OQMG.

(3) Maintains all correspondence files (except top secret and registered documents pertaining to War Plans) for all OQMG activities and renders service in connection therewith.

(4) Serves as focal point for the clearance of all identical instructions and information addressed to two or more field installations, headquarters or agencies.

(5) Reviews and edits proposed QMG publications and War Department publications initiated in the OQMG and processes those received from without OQMG for comment, concurrence, etc.

(6) Reviews for justification, edits and approves OQMG requests for all types of material which is printed or otherwise reproduced.

(7) Reviews and revises printed and duplicated forms used in the OQMG and supplied by the Quartermaster Corps, and authorizes their reproduction.

(8) Supervises the procurement of printed matter and operation of field printing plants for which The Quartermaster General is responsible.

(9) Distributes copies of regulations, circulars, and other published War Department material.

(10) Requisitions, stores and issues office supplies and equipment for the OQMG.

(11) Compiles historical data concerning Quartermaster Corps activities.

(c) *Fiscal Division.* (1) Directs the compilation of all estimates for appropriations for the Quartermaster Corps, and arranges for their justification before higher echelons.

(2) Supervises the distribution and administration of funds appropriated and made available to the Quartermaster Corps.

(3) Prepares and issues instructions relating to fiscal and property accounting policies and procedures within the Quartermaster Corps.

(4) Supervises accounting procedures and audits fiscal records in field installations.

(5) Supervises processing of commercial accounts for payments in field installations.

(6) Supervises procedures relating to the sale and pricing of Quartermaster Corps property.

(7) Maintains liaison with Budget Officer for the War Department, Chief of Finance, and other Government departments and agencies on all fiscal and property accounting matters.

(8) Maintains fiscal accounts for all funds administered by the Quartermaster General.

(9) Prepares fiscal reports required.

(10) Processes reimbursement transactions for the Quartermaster Corps.

(11) Analyzes and processes requests for advance payments to contractors.

(12) Collects amounts due from contractors under renegotiation and royalty adjustment agreements.

(d) *Field Service Division.* (1) Supervises the storage and handling of QM Supplies in all installations under the control of The Quartermaster General; develops and installs policies and procedures for such storage and handling operations.

(2) Exercises staff supervision over operating efficiency of field installations under control of The Quartermaster General; inspects and renders reports on the overall administration and operation of such field installations.

(3) Supervises the operation of classification and maintenance facilities under the jurisdiction of The Quartermaster General; develops and installs policies and procedures for such classification and maintenance facilities.

(4) Exercises staff supervision over all laundry and dry cleaning facilities of the Army and exercises technical control of operations of laundry and dry cleaning facilities at Class I, II and III installations, and at designated special installations, including laundries operated in conjunction with hospitals. (Included under technical control are responsibilities for formulation of policies; the establishment of prices and the authority to issue instructions covering the utilization of experiments, plant methods, plant layouts, supply allowances and procedures.)

(5) Supervises the purchase, care, training, and issue of horses, mules and war dogs and the operation of Remount Depots and the War Dog Reception and Training Center.

(6) Supervises the Army Safety Program and Internal Security Program at Class II installations under the direct control of The Quartermaster General.

(7) Supervises and performs all necessary activities relating to the transportation responsibilities of The Quartermaster General including the preparation and defense of the transportation requirements of the Quartermaster Corps.

(8) Exercises staff supervision over buildings and facilities at field installations under jurisdiction of The Quartermaster General, including review and processing of projects covering new construction, alterations to buildings and facilities, and the lease and purchase of real estate, buildings and installed facilities.

(9) Develops and installs policies and procedures for the proper allocation, utilization, and first and second echelon maintenance of administrative vehicles, including motor pools, in Class II installations under the control of The Quartermaster General.

(10) Develops and installs policies and procedures for the handling and disposition of personal effects and funds by the Army Effects Bureau; exercises staff supervision over the operations of the Army Effects Bureau to insure conformity with established policies and procedures.

(11) Develops and installs policies and instructions for storage and disposition of stored historical and organizational trophies.

(e) *Memorial Division.* (1) Prescribes policies for the recovery and final disposition of remains of all deceased personnel of the War Department and of World War II overseas American deceased personnel.

(2) Exercises staff supervision over U. S. Military Cemeteries overseas (excluding those under the jurisdiction of the American Battle Monuments Commission)

(3) Exercises general supervision over national, post and prisoner of war cemeteries, soldiers' plots, Confederate burial plots, monuments and parks under the jurisdiction of the War Department.

(4) Prescribes policies for the operation of the American Graves Registration Service.

(5) Establishes requirements for permanent U. S. Military Cemeteries overseas, and for national, post, and prisoner of war cemeteries, soldiers' plots, Confederate burial plots, monuments and parks under the jurisdiction of the War Department.

(6) Initiates procurement of grave sites.

(7) Procures and supplies government headstones and markers.

(8) Maintains grave site reservations, and records of interments in cemeteries under the jurisdiction of the War Department, and of overseas World War II Deceased.

(9) Maintains historical records of cemeteries under the jurisdiction of the War Department.

(10) Directs, controls, and supervises all American Graves Registration Service activities in independent zones and areas.

(11) Handles all American Graves Registration Service activities in the United States.

(f) *Supply Division.* (1) Establishes purchase policies for the Quartermaster Corps, within the limits prescribed by Procurement Regulations and other directives of higher authority; directs the purchase of finished items and component materials of clothing, equipment, general supplies, and all equipment assigned subsistence, fuels and lubricants including solid fuels to the Quartermaster Corps; directs the purchase of supplies for other forces and services of the War Department, other war agencies, and war aid supplies, for which purchase responsibility is assigned to The Quartermaster General; supervises the inspection of supplies delivered to insure that they conform to the standards, quality, and specifications prescribed, except for headstones and markers; supervises the expediting of deliveries on contracts.

(2) Directs the administration of priorities policy, operation and procedure throughout the Quartermaster Corps and maintains liaison with the Army and Navy Munitions Board, Civilian Production Administration, and all other higher authorities on matters pertaining to priorities, including policy, interpretation of regulations and application of preference ratings; assists contractors holding Quartermaster contracts in obtaining allocations of critical materials; gathers financial information on contractors, conducts contract renegotiation, makes determinations of excessive profits, and arranges for their refunding; establishes forward pricing policy to be applied in placing contracts and supervises the performance of this activity in the procuring depots for all supplies procured by them; prescribes procedures to implement the policies for contract termination established by higher authority and supervises the performance of this activity in the procuring depots.

(3) Supervises the distribution and issue of clothing, equipment and general supplies items including graphic arts equipment, power operated kitchen equipment, materials handling equipment, special purpose vehicles, tools, spare and repair parts, laundry and dry cleaning equipment and supplies, storage, distribution and issue of subsistence items; supervises the translation of authorized stock levels in terms of days of supply in quantities of those supplies to be maintained at depots; supervises, through depots, the review and approval of station control levels; participates in the determination of supply needs for those items; initiates procurement requests for items not on Master Production Schedules; directs the distribution of new production and redistribution of stocks of the above items between depots and stations; determines quantities of the above items in excess of the needs of the Quartermaster Corps, including

appropriate disposition action at both depots and stations; determines items and quantities to be included in reserves.

(4) Develops supply policies and procedures for operations at Quartermaster Depots and Quartermaster Sections of General Depots; appraises the performance of stock control activities within the OQMG and depots, including establishment of stock levels, maintenance of stocks at prescribed levels, distribution and stock control practices, prescribing such corrective action as may be necessary; develops the formulae by which stock levels for Quartermaster items at depots and stations will be calculated; directs action to be taken when such levels appear to be inadequate or excessive; supervises depot liaison with stations, including the determination of related responsibilities; assures that the technical interest and responsibility of The Quartermaster General is carried out in all echelons of supply; reviews and concurs in Supply and Demand Studies and Master Production Schedules for all items of Quartermaster supply for the purpose of insuring that planned production is balanced to supply needs and stock levels; circularizes when necessary other agencies with regard to excess Quartermaster property; processes surplus declarations of Quartermaster property, and directs depots to report surplus Quartermaster property to Disposal Agencies.

(5) Maintains technical control of the utilization of refrigerated space for the storage of subsistence; prepares master menus and special menus; formulates policies for mess supervision and mess management in the Army; collaborates with the Training Branch of Personnel and Training Division in the preparation of training manuals and courses of instructions in baking, cooking and mess management; formulates policies for, and directs the operations of the Market Center System; maintains liaison with War Department and other government agencies on subsistence matters, and represents the War Department on Inter-Agency Committees concerned with food matters.

(6) Directs the storage, research, design and development, issue and distribution of all petroleum products, gaseous fuels, and containers therefor (for which Army has procurement responsibility), excluding fuels and lubricants for aircraft operated by Army Air Forces and petroleum products and containers for which procurement responsibility has been assigned to other Technical Services; performs all staff functions necessary to discharge operating responsibilities in connection with solid fuels; prescribes methods and procedures for and supervises the computation of, assembles and edits requirements for all fuels and lubricants and containers therefor, used by the Army, excluding those used in aircraft operated by Army Air Forces; formulates comprehensive programs for the General Staff and as may be assigned by higher authority on matters affecting research, supply, procurement, conservation and usage of all fuels and lubricants, and initiates technical plans for the development of petroleum and coal re-

sources and facilities in Army occupied territories, assigns to the various Technical Services responsibility for the preparation and testing of specifications for petroleum products, and containers therefor, excluding those consumed by aircraft operated by Army Air Forces, maintains liaison with other Technical Services, Army Air Forces, and other military and civilian agencies on matters pertaining to fuels and lubricants; directs the purchase, inspection, storage, research, design and development, issue and distribution of all equipment especially designed for handling petroleum products; prepares specifications for such equipment; formulates plans and policies for the employment and operation of overseas can and drum plants by the Army, with the concurrence of the Director of SS&P WDGS.

(g) *Military Planning Division.* (1) Serves as technical coordinator with other agencies and Secretariat of Quartermaster Corps Technical Committee.

(2) Conducts research on, and design and development of, new and improved Quartermaster items of supply and equipment.

(3) Conducts laboratory and field tests to determine performance of items.

(4) Prepares and approves specifications for Quartermaster items and components.

(5) Establishes quality standards to assure procurement of items of desired quality for military use.

(6) Maintains staff of observers in United States and overseas theaters to investigate and report on performance of Quartermaster clothing, equipment and subsistence.

(7) Exercises technical supervision over control laboratories servicing the inspection zones.

(8) Exercises technical control over field agencies engaged in research and development activities.

(9) Designs and approves coats of arms, distinctive insignia, decorations, etc. for military service.

(10) Determines, reviews and maintains requirements for civilian needs in occupied areas, for troops of all Quartermaster units, for all Quartermaster items contained in the War Department Program of Procurement except those items assigned to Fuels and Lubricants Branch of Supply Division and for all data allied thereto.

(11) Edits and reviews the Quartermaster sections of all Tables of Organization and Equipment and Tables of Allowances as they pertain to the technical use of Quartermaster equipment; prepares and maintains Tables of Organization and Equipment and Tables of Allowances for all Quartermaster organizations and installations under the jurisdiction of the Quartermaster General.

(12) Prepares and maintains Tables of Allowances for the issue of clothing and individual equipment for all military personnel; prepares and maintains Tables of Allowances for the issue of all Technical Services to Posts, Camps and Stations and the equipment of all Technical Services for training purposes in the Continental United States.

(13) Develops, initiates and recommends specific methods and procedures for the computation of requirements and the processing of data for supply control purposes; develops replacement, consumption and issue rates based on actual issue experience.

(14) Maintains records of all civilian supply shipments and cost data pertaining thereto; prepares for submission to the Chief of Finance the Civilian Supply Report.

(15) Prepares plans for supply of occupation forces; bases, operational projects and for mobilization of industrial and supply facilities.

(16) Reviews, analyzes and perfects strategic and tactical plans from other elements of OQMG.

(17) Reviews and supervises preparation of plans for mobilization, demobilization, postwar planning, training, and readjustment.

(18) Plans, coordinates and prepares the QMC troop bases for support of the RA, NG, OR and UMT programs.

(19) Develops plans for return of Quartermaster items to depot stocks through repair and/or reclamation activities.

(20) Advises Quartermaster General on logistics for supply planning.

(21) Coordinates and supervises all intelligence activities and controls security measures for Corps.

(22) Administers all matters pertaining to materials for the Quartermaster Corps and within Quartermaster depots.

(23) Prepares the Master Production Schedule and translates end item schedules into raw materials requirements.

(24) Directs conservation policies and practices of the Quartermaster Corps.

(h) *Personnel and Training Division.* (1) Obtains authorizations and makes sub-authorizations of officers, warrant officers and enlisted men and civilian personnel under the jurisdiction of The Quartermaster General.

(2) Obtains, assigns, promotes, transfers, and recommends separation of military personnel.

(3) Screens records of applicants for integration in the Quartermaster Corps Regular Army and recommends appointments.

(4) Selects military personnel for special training in accordance with specialized needs.

(5) Directs the inspection of T/O units at Class II installations under jurisdiction of The Quartermaster General, to correct organizational records, and any personnel deficiencies, both when activated and alerted.

(6) Establishes and classifies civilian positions.

(7) Recruits, appoints, assigns, promotes, transfers, and separates civilian employees of the Quartermaster Corps, in accordance with Civil Service laws and regulations and War Department directives.

(8) Establishes plans for work measurement studies; and assists Quartermaster installations in the use of work measurement techniques; supervises the Work Measurement Program and analyzes work measurement data for purposes of controlling both military and civilian personnel authorizations.

## RULES AND REGULATIONS

(9) Exercises staff direction and supervision over military and civilian training activities at installations under the jurisdiction of The Quartermaster General.

(10) Prepares curricula for and inspects the training of food service specialists in Food Service Schools under the jurisdiction of the Army Commanders.

(11) Develops training doctrine, materials, methods, programs, and courses of study for all phases of Quartermaster training.

(12) Directs, inspects for quality, and renders staff assistance to, training programs in installations under the jurisdiction of The Quartermaster General designed for the improvement of employee competence.

(13) Renders technical assistance in the preparation of individuals and units of the civilian components for duty with the Regular Army in the event of a national emergency.

(14) Devises, applies and evaluates the results of appropriate tests for the selection of military and civilian personnel in accordance with specialized needs.

(15) Provides for the orderly operation of the activities of the Technical Training Service at The Quartermaster School.

(16) Initiates and develops long range personnel and training plans and studies.

(17) Prepares plans relating to possible new functions to be carried on by the Personnel and Training Division and recommends organization and procedures for putting them into effect.

(18) Studies, or coordinates the study of, War Department plans, proposals and policies affecting the personnel and training functions of the QMC, and prepares recommendations or comments to be sent to the War Department General Staff.

(19) Reviews plans of other Divisions and of outside organizations other than the War Department General Staff which affect the Personnel and Training Division, OQMG.

(i) *Food Service Division.* (1) Inspects food service facilities within the Army and renders such reports of inspections and recommendations to the Chief of Staff as may be appropriate.

(2) Prepares from time to time for publication in War Department order such recommendations as will improve food service throughout the Army.

(3) Prepares for prompt implementation suitable plans, in collaboration with the Chief, Personnel and Training Division, for the training of food service personnel required to execute the mission of The Quartermaster General under War Department orders.

(4) Establishes effective liaison with a group of civilian food consultants to The Quartermaster General.

(5) Collates, evaluates, and acts upon such recommendations as the group of civilian food consultants to The Quartermaster General may from time to time render.

(6) Collaborates with Subsistence Branch, Supply Division, on matters pertaining to menu planning, supply of subsistence, centralized food service activities and utilization of mess equipment and machinery.

(7) Collaborates with Military Planning Division on matters pertaining to research and development of subsistence and food service machinery and equipment.

(8) Collaborates with other War Department and other governmental agencies on all matters pertaining to the efficient execution of the Food Service Program.

(Sec. 3, 12 Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-6513; Filed, July 11, 1947;  
8:52 a. m.]

## Chapter IX—Transport

## PART 903.—TRANSPORTATION OF INDIVIDUALS

## SLEEPING CAR AND SIMILAR ACCOMMODATIONS

Part 903, Chapter IX, Title 10, Code of Federal Regulations is amended as follows:

Rescind §§ 903.15 to 903.21, inclusive, and substitute the following:

§ 903.15 *Sleeping car and similar accommodations*—(a) *Allowances*—(1) *Through accommodations.* When sleeping-car accommodations are authorized in this part, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) *Standard accommodations: Persons entitled to.* (i) Subject to the provisions of paragraphs (b) and (c) of this section, regarding patients and their attendants, the following-named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car: *Provided,* That whenever they travel in groups comprised of such persons on journeys involving night travel, and the number of persons included in a particular group is sufficient to justify the utilization of a special standard sleeping car for their accommodation (see paragraph (e) of this section) each person included in the group will be furnished a lower berth in such car, except that if there are more than a sufficient number of persons to occupy all the lower berths in the entire car, then the remaining persons will be furnished an upper berth each in the same car. Whenever civilian employees entitled to a lower berth in a standard sleeping car, under the provisions of War Department Civilian Personnel Regulations No. 155, are included in a group together with any of the following-named persons, and the total number in the group is sufficient to justify the utilization of a special standard sleeping car(s) for their accommodation, the civilian employees will be furnished berth accommodations on the same basis as that prescribed above for the other persons included in the group.

(a) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(b) Relative acting as attendant to remains, and return of attendant when required, under the provisions of Army Regulations.

(c) Civilian candidates, Citizens' Military Training Camps, when transportation is furnished by the United States.

(d) Cadets discharged from the United States Military Academy who are authorized to be furnished transportation in kind under the provisions of AR 55-120. (See also subdivision (ii) of this subparagraph.)

(ii) Cadets, United States Military Academy, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein. (See subdivision (i) (d) of this subparagraph for cadets discharged from the United States Military Academy.)

(a) *Sleeping accommodations:* Except as provided in (c) of this subdivision, when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper. Groups of 15 cadets or more will be furnished standard sleeping-car accommodations on the basis of sections, 2 cadets to a section (one lower and one upper berth), the "odd number" cadet, if any, to be furnished a lower standard berth.

(b) *Seating accommodations:* Except as provided in (c) of this subdivision, for journeys other than those set forth in (a) of this subdivision, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished seats in a sleeping car or parlor car. Groups of 15 cadets or more will be furnished coach accommodations only.

(c) *Exceptions to (a) of this subdivision:* Cadets traveling as patients will be furnished the accommodations prescribed in paragraphs (b) and (c) of this section.

(iii) *Aviation cadets; noncommissioned officers of first grade:* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, aviation cadets and noncommissioned officers of first grade, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) *Sleeping accommodations:* When the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, aviation cadets and noncommissioned officers of first grade traveling individually, or included in groups of 4 persons or less consisting of aviation cadets and/or noncommissioned officers of first grade, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper, and groups of 5 persons or more consisting of aviation cadets and/or noncommissioned officers of first grade will be furnished

standard sleeping-car accommodations on the basis of sections, 2 persons to a section (one lower and one upper berth) the "odd number" person, if any, to be furnished a lower standard berth. When aviation cadets and/or noncommissioned officers of first grade are included in the same group with any number of enlisted persons below the first grade and/or applicants or rejected applicants for enlistment the sleeping-car accommodations prescribed in subparagraph (3) of this paragraph will be furnished.

(b) Seating accommodations: For journeys other than those set forth in (a) of this subdivision, aviation cadets and noncommissioned officers of first grade will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first, and/or second and/or third grades. Aviation cadets and noncommissioned officers of first grade will be furnished only coach accommodations when they are included in groups of 15 persons or more consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(iv) Noncommissioned officers of second and third grades: Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, noncommissioned officers of second and third grades, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) Sleeping accommodations: The foregoing noncommissioned officers will be furnished an upper berth in a standard sleeping car when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished sleeping-car berth accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(b) Seating accommodations: When berth accommodations are not authorized under (a) of this subdivision or subparagraph (3) of this paragraph, noncommissioned officers of second and third grades will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades. Noncommissioned officers of second and third grades will be furnished only coach accommodations when they are included in groups of 15 or more persons consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(v) Enlisted persons below third grade: Enlisted persons below third grade will be furnished an upper berth in a standard sleeping car, or a seat in a sleeping car or parlor car, when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished berth or seat accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(vi) Dependents: Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55-120 are entitled to seats in a sleeping car or parlor car on the basis of one individual seat for each person, or to berths in a standard sleeping car on the following basis, regardless of the accommodations to which the individual changing station may be entitled under the provisions of this section (dependents, other than wives, children, fathers, or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55-121 are entitled to seats in a sleeping car or parlor car, or to berth accommodations in a standard sleeping car on the same basis as prescribed in this section, for a dependent father or dependent mother).

(a) One lower berth for:  
Wife.  
Dependent father.  
Dependent mother.  
Child alone.  
Wife and child under 6 years of age.  
Wife and female child over 6 years of age.

Two children, same sex.  
Two children, opposite sex, both under 6 years of age.

(b) One section, or separated lower and upper berths for:

Wife and one child, male, over 6 years of age.  
Wife and two children.

Two children, opposite sex, one or both over 6 years of age.

(c) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

(d) If a lower berth is not available under subdivisions (a) and (b) of this subdivision, one upper berth may be furnished to each individual.

(e) The foregoing allowance is based on all the dependents traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55-120) no further accommodations may be furnished.

(vi) In certain other cases, as prescribed in this section, standard accommodations may be furnished when other kind of accommodations are not available.

(3) *Tourist accommodations: Persons entitled to whenever available.* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, the persons named

herein, when traveling under orders are entitled at public expense to the sleeping-car accommodations in accordance with prescribed regulations when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train.

(a) Aviation cadets and noncommissioned officers of first grade when included in the same group with any number of enlisted persons below the first grade and/or applicant or rejected applicants on enlistment.

(b) Enlisted persons below the first grade when not accompanying authorized dependents (see subparagraph (2) (iv) and (v) of this paragraph).

(c) Applicants or rejected applicants for enlistment.

(4) *Transportation of aliens and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens or other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066 (7 F. R. 1407) except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations will be furnished as prescribed in subdivisions (i) and (ii) of this subparagraph for the entire distance from point of origin to destination only for all children under 14 years of age and females who may be included in a movement.

(i) Fourteen persons or less: When the total number of children under 14 years of age and females included in a particular movement is 14 or less, sleeping-car accommodations will be furnished in tourist sleeping cars of the regular section type, if available, otherwise in Pullman Company three-tier tourist sleeping cars, if available; otherwise in standard sleeping cars of the regular section type. Each person assigned to space in a Pullman Company three-tier tourist sleeping car will be furnished an individual tier berth, and persons assigned to space in sleeping cars of the regular section type will be furnished berth accommodations on the following basis:

(a) A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in paragraph (a) (2) (vi) (See also (d) and (e) of this subdivision.)

(b) Other women 50 years of age and over, a separate lower berth for each. (See (d) and (e) of this subdivision.)

(c) Other females 14 years of age and over, and under 50 years, two persons to a lower berth, the "odd number" persons, if any, to be furnished an upper berth. If an upper berth is not available for the "odd number" person, she will be furnished a lower berth. (See (d) and (e) of this subdivision.)

(d) Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the basis set forth in (a), (b) and (c) of this subdivision.

(e) The alternative allowances (upper or lower berths; tourists or standard ac-



commodations) provided for in this subdivision contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

(ii) Fifteen persons or more: (a) Kind of accommodations to be furnished. When the total number of children under 14 years of age and females included in a particular movement is 15 or more, they will be furnished accommodations in a tourist sleeping car or non-air-conditioned standard sleeping car substituted therefor, of the regular section type; *Provided*, That whenever a special sleeping car of the foregoing kind and type cannot be made available by the carriers, they will be furnished accommodations in the kind and type of special sleeping car which can be made available at the time the movement takes place.

The order of precedence in which special sleeping cars will be furnished by the carriers, according to availability, and the order of precedence in which such cars will be utilized when it is necessary for the carriers to furnish more than one kind of sleeping car for a particular movement, is prescribed in the current Joint Military Passenger Agreement (War Department Commercial Traffic Bulletin No. 6 of current year)

(b) *Physically disabled patients not traveling in a mileage status*—(1) *Kind of accommodations*. It will be the policy to furnish accommodations for physically disabled patients, and any authorized attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "physically disabled patients" as used in this paragraph includes evacuees under Executive Order No. 9066 (7 FR 1407) but it does not include dependents in view of decision of the Comptroller of the Treasury (27 Comp. Dec. 1042) that no extra traveling expenses occasioned by disability will be paid by the Government in the case of dependents. No air-conditioned accommodations will be requested for attendants while not actually accompanying physically disabled patients but in such circumstance they will be furnished any authorized accommodations to which they be entitled for normal travel under the provisions of this section.

(i) Except as set forth in subdivision (ii) of this subparagraph, physically disabled patients in movements of less than 15 persons (patients, including attendants) will be furnished one lower berth each or one upper berth each, whichever may be determined by the responsible medical officer. For persons (patients) restricted to tourist accommodations whenever available, under the provisions of this section the berths will be requested in sleeping cars, air-conditioned tourist where operated, otherwise air-conditioned standard where operated for the distance that such tourist is not operated. Where no air-conditioned

sleeping cars of either kind are operated for any portion of the distance, the berths will be requested for such distance in non-air-conditions standard where operated. For persons (patients) entitled to standard accommodations, under the provisions of this section, the berths will be requested in air-conditioned standard sleeping cars where operated and in non-air-conditioned standard where operated for any portion of the distance that such air-conditioned cars are not operated. The foregoing shall not be construed to require a change of cars other than at the terminus of the car occupied. Whenever the condition of a physically disabled patient warrants the use of a seat and daylight sleeping-car or parlor-car schedules are available and adequate, as determined by the responsible medical officer, each such patient will be furnished a seat in such sleeping car or parlor car, observing the same rules with respect to air-conditioned cars as apply above to furnishing a berth. Attendants will be provided for such physically disabled patients whenever the responsible medical officer determines that such is necessary. Regardless of grade or status, attendants will be furnished accommodations in the same car with the patients, a seat in the case of seat service, or the berth accommodations to which they are entitled under the provisions of this section, in the case of berth service.

(ii) Whenever a physically disabled patient in movements of less than 15 persons (patients, including attendants) may be expected to be noisy, ill-mannered, unrepresentable, or otherwise objectionable to the public, or is in such physical condition as to require exclusive accommodations, the responsible medical officer will furnish the transportation officer issuing the transportation request a certificate, in duplicate, stating that the condition of the patient(s) requires exclusive accommodations. Attendants will be provided at all times for such physically disabled patients. Accommodations will be furnished for such physically disabled patients and their attendants in drawing rooms in air-conditioned parlor cars or in roomettes, bedrooms, compartments, or drawing rooms in air-conditioned sleeping cars, where such air-conditioned cars are operated; otherwise such room accommodations will be furnished in nonair-conditioned parlor or sleeping cars, where operated. The responsible medical officer, in coordination with the transportation officer, will determine in each case the number of attendants required, the class of accommodations required (that is, roomettes, bedrooms, compartments, or drawing rooms, whichever is the most economical available and meets the needs) and the total number of persons (physically disabled patients and attendants) not less than two, to occupy each double bedroom, compartment, or drawing room. Superior room accommodations will not be requested in any case where lower class room accommodations are adequate and available.

(c) *Insane patients not traveling in a mileage status*—(1) *Kind of accommoda-*

*tions*. It will be the policy to furnish accommodations for insane patients, and attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "insane patients" as used in this paragraph means patients who are insane or who are undergoing observation for insanity or mental disorders. The term includes evacuees under Executive Order No. 9066 (7 FR 1407), but it does not include dependents (27 Comp. Dec. 1042). No air-conditioned accommodations will be requested for attendants while not actually accompanying insane patients but in such circumstance they will be furnished any authorized accommodations to which they may be entitled for normal travel under the provisions of this section.

(d) *Attendants with remains*. Attendants accompanying remains will be furnished the authorized accommodations to which entitled, except that transportation requests for parlor-car or sleeping-car accommodations will not be furnished for officer attendants, or other attendants entitled to the same mileage allowances, traveling in a mileage status.

(e) *Utilization of special sleeping cars or parlor cars*. Special sleeping cars or parlor cars will be utilized only when the expense does not exceed the cost of berths and seats authorized to be furnished. See the current Joint Military Passenger Agreement (War Department Commercial Traffic Bulletin No. 6 of current year)

(f) *Receipt for accommodations furnished*. Travelers will be informed of the pertinent requirements of AR 55-110. Whenever the face of the transportation request is indorsed by the transportation officer, "Tourist whenever available," the traveler will be instructed to indorse over his signature in the space provided on the back of the request a statement as to the points between which tourist accommodations are furnished. In case tourist accommodations become available en route and the transportation request cannot be indorsed on account of its having been lifted by the agent or by the first conductor (there having been a change of conductors), then the traveler will promptly forward the statement to the disbursing officer designated to pay the carrier's bill. The statement will also cite the serial number of the transportation request. Travelers will be instructed to advise the foregoing disbursing officer promptly whenever the accommodations used are less than those called for by sleeping-car or parlor-car tickets or transfer tickets.

(g) *Accommodations at variance with transportation request*. Procurement from a carrier on a transportation request of excess space of a lower class than that called for by the request is prohibited, even though no additional cost to the Government is involved; for example, two lower tourist berths in lieu of a double berth in a standard sleeping car or seats in a parlor car in lieu of berths. [TM 55-525/June 1945 as amend-

ed by C4, June 12, 1947] (R. S. 161, § 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-6549; Filed, July 11, 1947;  
8:48 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes [T. D. 5570]

#### PART 142—TAX-FREE WITHDRAWALS OF CIGARS FROM CUSTOMS BONDED WARE- HOUSES, CLASS 6

##### MISCELLANEOUS AMENDMENTS

On April 24, 1947, notice of proposed rule-making regarding the tax-free withdrawal of cigars from customs bonded warehouses, class 6, was published in the FEDERAL REGISTER (12 F. R. 2635). No objection to the rules proposed having been received, the following amendments to Treasury Decision 5438 (26 CFR, Part 142) are hereby adopted. These amendments are designed to eliminate provisions relative to the tax-free withdrawal from such bonded warehouses of cigars for use of the military or naval forces of the United States in United States Territories, which tax-free withdrawals were permissible only until the date on which the President proclaimed that hostilities in the present war have terminated. The President having proclaimed the termination of hostilities, the provisions of Treasury Decision 5438 for withdrawal tax-free from customs bonded warehouses, of cigars for use of the military or naval forces of the United States in United States Territories were rendered obsolete and, accordingly, they are eliminated by the amendments hereby made. The amendments are also designed to adopt procedure consonant with customs procedure and establish the greatest practicable degree of coordination of the Internal Revenue and Customs Bureaus, in respect of the withdrawals of cigars without payment of internal revenue tax from the customs warehouses indicated.

Treasury Decision 5438, approved February 7, 1945 (26 CFR, Part 142), is amended as follows:

(A) By inserting immediately following the heading "Table of Contents" an additional center heading as follows: "Subpart A"

(B) By changing the first line of the table of contents reading "142.0 Scope of regulations" to read "142.0 Scope of Subpart A"

(C) By inserting immediately following the table of contents the following:

##### SUBPART B

- 142.20 Scope of Subpart B.
- 142.21 Definitions.
- 142.22 Shipment restricted.
- 142.23 Bond.
- 142.24 Packing, marking or branding.
- 142.25 Shipping containers.
- 142.26 Application for withdrawal.
- 142.27 Inspection and verification of shipment.
- 142.28 Report of inspecting officer.

- 142.29 Delay in withdrawal of shipment; cancellation of shipment.
- 142.30 Change in consignee.
- 142.31 Withdrawal of shipment and disposition of original of application, Form 550.
- 142.32 Return of shipment to warehouse.
- 142.33 Tax liability.
- 142.34 Credit for shipment.
- 142.35 Penalties.

AUTHORITY: §§ 142.20 to 142.35, inclusive, issued under sec. 3, 44 Stat. 1382, sec. 559, 46 Stat. 743, sec. 2135, 53 Stat. 234; 5 U. S. C. 281b, 19 U. S. C. 1556, 20 U. S. C. 2135.

(D) By inserting immediately preceding § 142.0 a center heading as follows: "Subpart A"

(E) By substituting for the words "these regulations" wherever occurring in §§ 142.0 to 142.15, inclusive, the words "the regulations in this subpart"

(F) By changing the heading of § 142.0 *Scope of regulations* to read *Scope of Subpart A*.

(G) By inserting in the first sentence of § 142.0 immediately following the word "withdrawal" the following: ", prior to the effective date of Treasury Decision 5570."

(H) By inserting immediately following § 142.15 the following:

##### SUBPART B

§ 142.20 *Scope of Subpart B*. This subpart comprising §§ 142.20 to 142.35, inclusive, relates to the withdrawal, on and after the effective date of Treasury Decision 5570, without payment of tax from customs bonded manufacturing warehouses, class 6, for export to foreign countries or shipment to possessions of the United States, of cigars produced in such warehouses of imported tobacco on which the duties have been paid. Duties paid on tobacco used in the manufacture of cigars withdrawn under this subpart may not be recovered. However, this subpart is exclusive only with respect to the withdrawal of cigars for shipment to a foreign country or possession of the United States where the customs regulations are not applicable to such shipment. This subpart does not relate to any withdrawal of cigars made of imported tobacco on which the customs duties have not been paid, which withdrawals must always be made in accordance with customs regulations and procedure.

§ 142.21 *Definitions*. As used in this subpart:

(a) The term "collector" means the collector of internal revenue for the district in which is located the customs bonded manufacturing warehouse, class 6, from which withdrawal of cigars under this subpart is made or intended to be made.

(b) The term "manufacturer" means the proprietor of a customs bonded manufacturing warehouse, class 6.

(c) The term "warehouse" means a customs bonded manufacturing warehouse, class 6, where cigars withdrawn, or intended to be withdrawn, under this subpart, are made.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 2135 [Internal Revenue Code]. EXEMPTION FROM TAX (As amended by act approved March 23, 1943, 57 Stat. 42).

(a) *Shipments to foreign countries and possessions of the United States*—(1) *Manufactures*. Manufactured tobacco, snuff, cigars or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

##### A PROCLAMATION

I, Harry S. Truman, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

§ 142.22 *Shipment restricted*. The withdrawal of cigars under this subpart, without payment of tax, may be made only for export to foreign countries or possessions of the United States where the United States internal revenue laws are not in effect.

§ 142.23 *Bond*. Before or at the time of filing his first application, a manufacturer who desires to withdraw cigars from his warehouse without payment of tax under this subpart, shall furnish to the collector a bond, in duplicate, in such form as the Commissioner shall prescribe, with surety satisfactory to the collector. The penal sum of the bond shall be sufficient to cover the estimated amount of tax which shall at any time constitute a charge against the bond, and in no case less than \$5,000.00. When the bond, in duplicate, is received by the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate to the Commissioner. The liability under such bond shall be a continuing one, and will be subject to increase or decrease as withdrawals are made and completed. When the limit of liability under such bond has been reached, further withdrawals may not be made thereunder. Instead, a new bond, in duplicate, must be filed by the manufacturer, under which subsequent withdrawals shall be made.

§ 142.24 *Packing, marking, or branding*. Cigars withdrawn under this subpart may be put up in packages of any sizes desired. Each package of cigars shall have securely affixed in place of the internal revenue stamp a label, which label shall be readily distinguishable from an internal revenue stamp and on which shall be printed the following legend:

*Free of tax*. For use only outside the jurisdiction of the internal revenue laws of the United States.

§ 142.25 *Shipping containers*. Each shipping container in which cigars are to be withdrawn under this subpart shall be plainly numbered by the manufacturer, the number to be a consecutive one of a series beginning with No. 1, and begin again with No. 1 on July 1 of each subsequent year.

Shipping containers shall not be closed and fastened until their contents have been inspected and verified by a customs officer at the warehouse, as hereinafter prescribed.

§ 142.26 *Application for withdrawal.* An application on Internal Revenue Form 550, appropriately modified, shall be executed and filed by the manufacturer with the collector for each shipment intended to be withdrawn under this subpart. Such application shall be filed in triplicate for each parcel post shipment, and in quadruplicate for each shipment otherwise than by parcel post. Each application shall bear a serial number, such number to be a consecutive one of a series beginning with No. 1 to cover the first shipment, and commencing again with No. 1 on July 1 of each year thereafter. Copies of each application shall bear the same serial number as the original. Each application shall be completely and legibly modified and filled in. The cigars described in the application shall not be withdrawn from the warehouse until after inspection and verification by the customs officer as hereinafter required.

Upon receipt of each application, properly executed, the collector shall, if the tax liability on the particular shipment does not increase the outstanding liability in excess of the penal sum of the bond under which the withdrawal is to be made, immediately after signing the original and each copy of the application, forward the original and the two or three copies of the application to the customs officer in charge of the warehouse from which the shipment is to be withdrawn, in order that the customs officer can make proper inspection and verification of the cigars described in the application.

§ 142.27 *Inspection and verification of shipment.* It shall be the duty of the customs officer in charge of the warehouse from which the shipment of cigars is to be withdrawn under this subpart, to inspect the shipment and determine definitely that the shipment contains the exact class and quantity of cigars specified in the application, and that the boxes or packages of such cigars meet the requirements of this subpart. The packing of the shipping containers shall be under the supervision of the customs officer who will see that the number required by this subpart is properly inscribed on each shipping container.

Cigars withdrawn under this subpart may be stored within the jurisdiction of the internal revenue laws of the United States only under Government control and supervision, or with the approval of the Commissioner. Cigars withdrawn and otherwise held in such jurisdiction are subject to seizure by and forfeiture to the United States.

§ 142.28 *Report of inspecting officer.* After inspection and verification of the shipment have been completed and the shipping containers have been made ready for withdrawal and the customs officer has filled in and signed his report on the original and each copy of the application, the shipment shall be released for withdrawal by the manufacturer.

One copy of the application is to be retained for customs purposes, one copy forwarded immediately to the collector and the original and the remaining copy delivered to the manufacturer to go forward with the shipment and be disposed of as hereinafter prescribed.

§ 142.29 *Delay in withdrawal of shipment; cancellation of shipment.* In case a shipment is not withdrawn from the warehouse within ten days after inspection and verification as provided in this subpart, the manufacturer must advise the collector as to the probable date of withdrawal. If the order for the shipment has been canceled, the manufacturer should so advise the collector and request permission to return the shipment to stock in the warehouse under the supervision of the customs officer in charge of the warehouse.

§ 142.30 *Change in consignee.* If, after inspection and verification, but before withdrawal of the shipment, the manufacturer for good and sufficient reasons desires to change the consignee or the address of the original consignee shown by the application, the manufacturer shall forward to the collector for correction and endorsement the original and copy of the application delivered to him by the inspecting officer with a letter setting forth his reasons for the change. The collector, after making correction and endorsement of the change, shall forward the original and copy of the application to the customs officer in charge of the warehouse with a letter instructing the customs officer to make similar change in the copy of the application which he retained after inspection and verification of the shipment, and to deliver the original and copy of the application to the manufacturer.

§ 142.31 *Withdrawal of shipment and disposition of original of application, Form 550—(a) General.* After the shipment has been released for withdrawal, the manufacturer shall enter on the original and copy of the application the actual date of withdrawal of the shipment from the warehouse, after which the shipment may go forward to the consignee. The original and copy of the application shall then be disposed of by the manufacturer as hereinafter prescribed.

(b) *Shipment other than by parcel post.* (1) If the warehouse is located at the port of exportation, the manufacturer shall file with the collector of customs at the port, at least six hours prior to lading of the shipment, the original and one copy of the application on Form 550 returned to him by the customs officer who inspected the shipment at the warehouse.

(2) If the warehouse is located elsewhere than at the port of exportation, the manufacturer shall forward the original and one copy of the application on Form 550 to the collector of customs at the port or to the agent of the manufacturer at the port so that these forms may reach or be filed with the collector of customs at least six hours prior to lading of the shipment. Where the original and one copy of the Form 550 are forwarded by the manufacturer to his agent at the port, the agent may

fill in the name of the carrier or exporting vessel and give the location of the pier where the shipment will be laden.

(3) In case of exportation to a foreign contiguous territory by rail through a border port the manufacturer will forward the original and one copy of the application on Form 550 to the collector of customs at the border port through which the shipment will be routed for exportation.

(4) After the shipment has been inspected and laden on the exporting vessel or carrier or where the shipment has been inspected at the border port of exit with respect to shipment to a foreign contiguous territory the customs inspector who supervised the inspection and lading of the shipment will execute the Certificate of Inspection and Lading on the reverse side of both the original and copy of the Form 550 and return these forms to his collector of customs. After the vessel or carrier has cleared from the port of exportation or exit, the collector of customs will execute the Certificate of Exportation on both the original and copy of the Form 550, retain the copy for his file and forward the completed original to the collector of internal revenue of the district from which the shipment originated as indicated on the back of the form.

(c) *Shipment by parcel post.* If the shipment is to be made by parcel post, the manufacturer shall execute on each shipping container or parcel a waiver of his right to withdraw the container or parcel from the mails, and then at the time of mailing present the original Form 550 covering the shipment to the postmaster or his agent for execution of the certificate of mailing provided on the back of the form. The original Form 550 so executed shall be filed promptly thereafter by the manufacturer with the collector.

§ 142.32 *Return of shipment to warehouse.* If, after withdrawal, the manufacturer desires to return a shipment to the warehouse, he must make application to the Commissioner for permission to do so. The manufacturer must identify the shipment, and show where it has been since it left the factory, where held and in whose custody it is at the time of making application, and the reasons for returning the shipment. After receipt of such application, the Commissioner will issue appropriate instructions. The return of cigars to the warehouse will operate only to relieve the manufacturer of liability to internal revenue tax. Cigars so returned may not thereafter be withdrawn with benefit of refund of duties on the tobacco of which the cigars were made. Section 558, Tariff Act of 1930, as amended (19 U. S. C. 1558)

§ 142.33 *Tax liability.* The responsibility for the delivery to the consignee of cigars withdrawn under this subpart shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on any cigars withdrawn or delivered otherwise than in accordance with this subpart.

§ 142.34 *Credit for shipment.* Upon receipt of the original of the application on Form 550 with the "Certificate of In-

spection and Lading" and the "Certificate of Exportation" executed by the appropriate customs officers or the "Certificate of Mailing by Parcel Post" executed by the appropriate postal officer with no shortage reported, the collector shall enter the proper credit in the account, Form 94, which he shall keep with the bond under which the shipment was made. In case a shortage is reported, the collector shall enter credit for the cigars actually delivered and require the manufacturer to pay the amount of tax due on the shortage.

§ 142.35 *Penalties.* Various sections of the Internal Revenue Code impose severe penalties for the unlawful withdrawal of cigars from the place of manufacture and for the possession, use, or delivery within the United States (including its territories) of manufactured cigars upon which the tax has not been paid. These sections apply to cigars withdrawn without the payment of tax under this subpart, and, accordingly, any person withdrawing, possessing, using, or delivering any such cigars otherwise than as authorized by this subpart may be subject to the penalties prescribed by these sections of the Code.

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

JOSEPH D. NUNAN, Jr.,  
*Commissioner of Internal Revenue.*  
FRANK DOW,  
*Acting Commissioner of Customs.*

Approved: July 8, 1947.

JOSEPH J. O'CONNELL, Jr.,  
*Acting Secretary of the Treasury.*  
[F. R. Doc. 47-6551; Filed, July 11, 1947;  
8:48 a. m.]

[T. D. 5571]

PART 194—WHOLESALE AND RETAIL  
DEALERS IN LIQUORS  
MISCELLANEOUS AMENDMENTS

1. On May 6, 1947, notice of proposed rule-making regarding the keeping of records by wholesale liquor dealers was published in the FEDERAL REGISTER (12 F. R. 3020).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments, to §§ 194.27 (a), 194.75 (a) and (b), 194.76, and 194.78 (a) of Regulations 20, approved June 6, 1940 (26 CFR, Cum. Supp., Part 194), are hereby adopted.

3. These amendments are designed to supplement existing regulations by providing more definite instructions regarding the keeping of records involving the receipt and disposal of distilled spirits through transactions in warehouse receipts.

4. Regulations 20, approved June 6, 1940 (26 CFR, Cum. Supp., Part 194) as amended, are hereby amended as follows:

§ 194.27 *Warehouse receipts covering spirits.* (a) Since the sale of warehouse receipts for spirits is equivalent to the sale of spirits, a person engaged in the

business of selling, or offering for sale, warehouse receipts for spirits stored in Government bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors, unless exempted by the provisions of §§ 194.62 to 194.73, inclusive.

§ 194.76 *Records to be kept by wholesale liquor dealers.* (a) Every wholesale dealer in liquors who sells distilled spirits (by warehouse receipt or otherwise) shall keep Record 52, "Wholesale Liquor Dealer's Record," and render monthly transcripts, Forms 52A and 52B, "Wholesale Liquor Dealer's Monthly Report," and Form 338, "Wholesale Liquor Dealer's Monthly Report (Summary of Forms 52A and 52B)." Separate Records 52 shall be maintained and separate Forms 338 shall be rendered for first, the recording of transactions in warehouse receipts and second, the recording of receipts and removal of spirits. The Record 52 and Form 338 covering transactions in warehouse receipts shall be so identified.

(1) The receipt and disposal of non-negotiable warehouse receipts issued by a warehouseman to the owner of spirits as evidence of the custody of the spirits need not be entered in the Record 52. The receipt and disposal of other warehouse receipts or the surrender thereof to a warehouseman to effect changes in identification of the spirits represented thereby (by change of package or bottling) must be recorded in Record 52.

(b) Daily entries shall be made on Record 52 of all distilled spirits received and disposed of (by warehouse receipt or otherwise) as indicated by the headings of the various columns, and in accordance with the instructions printed thereon and contained in pertinent regulations, not later than the close of business of the day on which the transactions occur: *Provided*, That if the keeping of such separate record is approved by the district supervisor, a wholesale liquor dealer may keep a separate record of the disposal of distilled spirits, showing the data required to be entered on Record 52, but the daily entries of the disposal of distilled spirits shall be made on Record 52 not later than the close of business of the following business day.

§ 194.76 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52: *Provided*, That the proprietor keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of removal (or the date of disposal in the case of warehouse receipts) and the name and address of the person or persons to whom sold and consigned: *Provided further* That the keeping of such record is approved by the district supervisor. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such manner that the required information may be readily ascertained therefrom, and, during such

period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. If a record in book form is kept, entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occur. The dealer shall note on Record 52, in the column for reporting serial numbers of cases of spirits disposed of, "Serial numbers shown on commercial records per authority, dated \_\_\_\_\_," (Sec. 2857, I. R. C.)

§ 194.78 *Place where Record 52 shall be kept.* (a) Every wholesale dealer in liquors shall keep the Record 52 covering transactions in warehouse receipts at the place of business covered by the wholesale liquor dealer special tax stamp, and, except as provided in paragraph (b) of this section, shall keep Records 52 covering the receipt and removal of spirits at such premises.

5: This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2857, 2858, 3254, 3791, 53 Stat. 327, 328, 391, 467; 26 U. S. C. 2857, 2858, 3254, 3791)

[SEAL] JOSEPH D. NUNAN, Jr.,  
*Commissioner of Internal Revenue.*

Approved: July 8, 1947.

JOSEPH J. O'CONNELL, Jr.,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 47-6550; Filed, July 11, 1947;  
8:48 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Rev. Gen. RO 18, Amdt. 7]

#### PART 705—ADMINISTRATION

##### DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ALLIED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 is amended in the following respects:

1. Section 1.6 (a) (1) is amended to read as follows:

(1) Sugar or evidences obtained with respect to that base is transferred (toll) to another person for industrial use except as authorized by section 6.3 of this order;

2. Section 2.3 (a) is amended to read as follows:

(a) The provisions of section 1.6 apply with respect to any adjustment granted under the provisions of section 2.1. Thus, a veteran may not transfer any sugar or evidences for use by others obtained on that part of the base received as an adjustment under section 2.1 except as authorized by section 6.3 of this order. He may continue to transfer sugar or evidences obtained on

\* 11 F. R. 7576.

the base he had before getting the adjustment under section 2.1 in accordance with the provisions of section 8.8 of Third Revised Ration Order 3.

3. Section 3.6 (a) is amended to read as follows:

(a) The provisions of section 1.6 apply with respect to any base or adjustment in base granted under the provisions of this article. Thus, a veteran may not transfer any sugar or evidences for use by others obtained on that part of the base received as an adjustment under this article except as authorized by section 6.3 of this order. He may continue to transfer sugar or evidences obtained on the base he had before getting an adjustment under this article if he had not obtained that base under this order. Such transfer, however, may be made only in accordance with the provisions of section 8.8 of Third Revised Ration Order 3.

4. A new section 6.3 is added to read as follows:

SEC. 6.3 *A veteran may transfer sugar or ration evidences for industrial use.* (a) A veteran registered as an industrial user may deliver sugar without the surrender of ration evidences, subject to the provisions of Article XX of Third Revised Ration Order 3, or he may transfer ration evidences without obtaining sugar, to any person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of this order and the transferor will so use it. However, prior to the delivery of sugar or evidences the transferor and the transferee must give the notice required under paragraph (b) of this section.

(b) Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Sugar Branch Office with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section and must state:

(1) The amount of sugar or ration evidences to be transferred;

(2) The names and addresses of the transferor and the transferee;

(3) The use to be made of the sugar delivered (or the sugar acquired with the ration evidences transferred)

(4) That the product will be transferred by the transferee to the transferor for use in producing a product which the transferor is authorized to make.

However, the Sugar Branch Office with which the transferor is registered may authorize deliveries to be made in a period of less than two weeks after the notice is given if it is satisfied that the transferor and the transferee will comply with the provisions of this section.

(c) The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use

the sugar or ration evidences in addition to any use permitted him under this order, Third Revised Ration Order 3, or General Ration Order 19.

(d) The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the product specified in the notice and only to make a product which will be transferred to the transferor for use in producing a product which the transferor is authorized to make under this order. The transferor must use this product only to make a product which he is authorized to make under this order. Any sugar used by the transferee under this section is considered to have been used by the transferor as well as the transferee.

(e) If, however, the means of production of the transferor have been temporarily so disrupted that production of the finished product which the transferor is authorized to make is impossible, he may apply, in writing, to the Sugar Branch Office with which he is registered for permission to deliver sugar or ration evidences under this section to any person for making a finished product which the transferor is authorized to make under this order if the product will be delivered by the transferee to the transferor for distribution by the transferor. The application must be signed by the transferor and the transferee and must contain the information required by (1), (2) and (3) of paragraph (b). In addition, the application must state that the product to be made is one which the transferor is authorized to make under this order, that such product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor.

(f) The transferee must make and keep at this principal business office, records showing by months the amounts of sugar received by him under this section and the amount used for each product produced with such sugar.

(g) Sugar or ration evidences may not be transferred under this section to make a product for which a provisional allowance may be obtained.

5. Section 7.1 (a) (1) is amended to read as follows:

(1) Transfer (toll) any sugar or evidences for use by others obtained on the base received under this order or obtained on that part of the base received as an adjustment under this order ex-

cept as authorized by section 6.3 of this order.

6. Section 8.1 (c) is amended to read as follows:

(c) The terms "institutional user" and "institutional user establishment" have the meaning which they have as defined in Third Revised Ration Order 3.

This amendment shall become effective July 14, 1947.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

*Rationale Accompanying Amendment No. 7 to Revised General Ration Order 18 and Amendment No. 2 to General Ration Order 19*

The amendments to Revised General Ration Order 18 and to General Ration Order 19 permit a person, registered as an industrial user under these orders, to deliver sugar or ration evidences to another person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of these orders. However, before any deliveries of sugar or evidences are made for this purpose, the transferor and the transferee must file a notice with the Sugar Branch Office with which the transferor is registered for permission to transfer sugar or evidences for industrial use. The notice must be filed at least two weeks in advance of any delivery of sugar or evidences. By permitting persons registered as industrial users under these orders to transfer sugar or evidences to another person to make an intermediate product which the industrial user will then use in producing the product for which he obtained his allotment, the operations of the industrial user will be greatly facilitated and he will be able to operate more efficiently with the equipment and machinery which he is able to obtain. For example, a candy manufacturer may wish to deliver sugar or evidences to another person who will make chocolate coating for him.

These amendments also contain a provision which will permit industrial users registered under these orders to apply for permission to transfer sugar or ration evidences to another person if the means of production of the industrial user have been temporarily so disrupted that production of the finished product which he is authorized to make is impossible and if such product will be delivered back to the industrial user for distribution by him.

As long as the products are delivered back to the industrial user, customary distribution of his product will be maintained.

[F. R. Doc. 47-6632; Filed, July 11, 1947; 10:29 a. m.]



[Gen. RO 19, Amdt. 2]

## PART 705—ADMINISTRATION

## DISTRIBUTION OF BASIS TO CERTAIN NEW USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 19 is amended in the following respects:

1. A new section 1.8 is added to read as follows:

**SEC. 1.8** *A person registered as an industrial user may transfer sugar or ration evidences for industrial use.* (a) A person registered as an industrial user under the provisions of this order may deliver sugar without the surrender of ration evidences, subject to the provisions of Article XX of Third Revised Ration Order 3, or he may transfer ration evidences without obtaining sugar, to any person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of this order and the transferor will so use it. However, prior to the delivery of sugar or evidences the transferor and the transferee must give the notice required under paragraph (b) of this section.

(b) Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Branch Office with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section and must state:

(1) The amount of sugar or ration evidences to be transferred;

(2) The names and addresses of the transferor and the transferee;

(3) The use to be made of the sugar delivered (or the sugar acquired with the ration evidences transferred);

(4) That the product will be transferred by the transferee to the transferor for use in producing a product which the transferor is authorized to make.

However, the Branch Office with which the transferor is registered may authorize deliveries to be made in a period of less than two weeks after the notice is given if it is satisfied that the transferor and the transferee will comply with the provisions of this section.

(c) The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the sugar or ration evidences in addition to any use permitted him under this order, Third Revised Ration Order 3 or Revised General Ration Order 18.

(d) The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the product specified in the notice and only to make a product which will be transferred to the transferor for use in producing a product which the transferor is authorized to make under this order. The transferor must use this product only to make a product which he is authorized to make under this order. Any sugar used by

the transferee under this section is considered to have been used by the transferor as well as the transferee.

(e) If, however, the means of production of the transferor have been temporarily so disrupted that production of the finished product which the transferor is authorized to make is impossible, he may apply, in writing, to the Sugar Branch Office with which he is registered for permission to deliver sugar or ration evidences under this section to any person for making a finished product which the transferor is authorized to make under this order if the product will be delivered by the transferee to the transferor for distribution by the transferor. The application must be signed by the transferor and the transferee and must contain the information required by subparagraphs (1) (2) and (3) of paragraph (b). In addition, the application must state that the product to be made is one which the transferor is authorized to make under this order, that such product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor.

(f) The transferee must make and keep at his principal business office records showing by months the amounts of sugar received by him under this section and the amount used for each product produced with such sugar.

(g) Sugar or ration evidences may not be transferred under this section to make a product for which a provisional allowance may be obtained.

2. Section 3.1 (a) (1) is amended to read as follows:

(1) Transfer (toll) any sugar or evidences obtained on the base received under this order to another person for industrial use except as authorized by section 1.8 of this order;

3. Section 3.1 (a) (6) is deleted.

4. Section 6.1 (d) is amended to read as follows:

(d) The terms "institutional user" and "institutional user establishment" have the meaning which they have as defined in Third Revised Ration Order 3.

This amendment shall become effective July 14, 1947.

**NOTE:** The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1932.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

*Rationale Accompanying Amendment No. 7 to Revised General Ration Order 18 and Amendment No. 2 to General Ration Order 19*

The amendments to Revised General Ration Order 18 and to General Ration Order 19 permit a person, registered as an industrial user under these orders, to deliver sugar or ration evidences to another person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of these orders. However, before any deliveries of sugar or evidences are made for this purpose, the transferor and the transferee must file a notice with the Sugar Branch Office with which the transferor is registered for permission to transfer sugar or evidences for industrial use. The notice must be filed at least two weeks in advance of any delivery of sugar or evidences. By permitting persons registered as industrial users under these orders to transfer sugar or evidences to another person to make an intermediate product which the industrial user will then use in producing the product for which he obtained his allotment, the operations of the industrial user will be greatly facilitated and he will be able to operate more efficiently with the equipment and machinery which he is able to obtain. For example, a candy manufacturer may wish to deliver sugar or evidences to another person who will make chocolate coating for him.

These amendments also contain a provision which will permit industrial users registered under these orders to apply for permission to transfer sugar or ration evidences to another person if the means of production of the industrial user have been temporarily so disrupted that production of the finished product which he is authorized to make is impossible and if such product will be delivered back to the industrial user for distribution by him.

As long as the products are delivered back to the industrial user, customary distribution of his product will be maintained.

[F. R. Doc. 47-6631; Filed, July 11, 1947; 10:28 a. m.]

[3d Rev. RO 3, Amdt. 62]

PART 707—RATIONING OF SUGAR  
SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 2.1 (c) and section 2.1 (d) are redesignated section 2.1 (d) and section 2.1 (e) respectively, and a new section 2.1 (c) is added to read as follows:

(c) *Change of registration.* An industrial user who has more than one industrial user establishment and who has registered them separately (on OPA Form R-1200) may, if he so desires, re-

\* 11 F. R. 177, 14281.

register his establishments together and they will then be treated as a unit for all purposes of this order. An industrial user who has more than one industrial user establishment and who has registered them together (on OPA Form R-1200) as a unit may, if he so desires, reregister his establishments separately. Upon doing so, each establishment must be treated and operated separately for all the purposes of this order (including computation of allotments and base period use) just as though the establishments were owned by different persons, and the industrial user is considered as a different industrial user as to each such establishment. An industrial user who desires to change his form of registration must apply in writing to the Sugar Branch Office serving the area in which his principal office is located. He may change his form of registration under the provisions of this section only once.

This amendment shall become effective July 14, 1947.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

*Rationale Accompanying Amendment  
No. 62 to Third Revised Ration  
Order 3*

Under the present regulations an industrial user who now has his industrial user establishments registered separately cannot reregister them together as a unit. Similarly, an industrial user who now has his industrial user establishments registered together as a unit cannot reregister his establishments separately. Thus, an industrial user is required to retain the form of registration he presently has. Therefore, if his industrial user establishments are registered separately they must be treated and operated separately for all the purposes of Third Revised Ration Order 3, and if they are registered together as a unit, they must be treated as a unit for all purposes of the order.

The form of registration, separate or combined, may have direct bearing upon certain actions an industrial user may take under the rationing regulations and the actions he can take to meet changed operating conditions. For example, an industrial user who has two or more establishments registered together as a unit is permitted to use interchangeably the allotments he is granted for the establishments which compose the unit. However, an industrial user who has two or more establishments registered separately is not permitted to use the allotments interchangeably which he is granted for his separate establishments. Thus, where an industrial user acquires a plant and owned other plants which are registered separately the newly acquired plant must also be registered separately. Although there may be a decreased demand for sugar-containing products in the areas where his older plants are located, he cannot use the allotments granted for his older plants in his newly acquired plant where there is a greater demand. This may result in lack of return on his investment in the newly acquired plant and increased

transportation costs for shipping finished products manufactured in such plant, into the area of greater demand. By permitting the industrial user to reregister his establishments together as a unit, he can adjust his operations to meet this condition.

Under the provisions of the regulations population increase adjustments may not be granted to persons receiving either a base or an adjusted base as "War Producers" under the provisions of section 17.7 of Third Revised Ration Order 3. When the base for any class of product is adjusted under section 17.7 no population increase may then be allowed the industrial user on either the base or adjustment of base for that class of product, and if he has obtained such a population increase adjustment, he loses it for that class of product for which he receives a base or an adjusted base as a "War Producer." Thus, an industrial user who has two or more establishments registered together and who receives a base or adjusted base as a "War Producer" for a class of product, loses any population increase he may have for that class of product he manufactures in any of his establishments which are registered together as a unit. If, on the other hand, his establishments were registered separately, he would only lose the population increase he has for that class of product manufactured in the separately registered establishment for which the "War Producer" base or adjusted base was granted. In order to alleviate the hardship industrial users are suffering by reason of losing population increases when they receive adjustments as "War Producers," this amendment will permit an industrial user to change his form of registration from combined to separate if he finds that separate registration will be more advantageous to his operation.

Thus, this amendment will permit greater flexibility of operation to industrial users who desire to change the form of their registration to meet changed operating conditions. However, under the provisions of this amendment an industrial user may change the form of his registration only once.

[F. R. Doc. 47-6630; Filed, July 11, 1947;  
10:28 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

#### PART 241—WILDLIFE

#### HUNTING, FISHING, AND TRAPPING IN PISGAH NATIONAL FOREST, N. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551) the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472) and the act of August 11, 1916 (39 Stat. 476; 16 U. S. C. 683) I, N. E. Dodd, Acting Secretary of Agriculture, do make and publish the following regulation (W-7) relative to hunting, trapping and fishing in the Pisgah National Game Preserve, in the State of North Carolina, to constitute

§ 241.7, Part 241, Chapter II, Title 36, Code of Federal Regulations:

§ 241.7 *Hunting, fishing, and trapping.* Hunting, trapping and fishing are hereby authorized within the Pisgah National Game Preserve, North Carolina, under permits issued by or under the authority of the Supervisor of the Pisgah National Forest, in accordance with instruction received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state where applicable the place and time of hunting, fishing, or trapping, the fee, the kind, number, sex, and size of the species that may be taken and the manner and place in which they may be taken. (Sec. 1, 30 Stat. 35, sec. 1, 33 Stat. 628, Chapter 313, 39 Stat. 476; 16 U. S. C. 551, 472, 683)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 8th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-6518; Filed, July 11, 1947;  
8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1648]

#### PART 160—GRAZING LEASES

This part is hereby completely revised to read as follows:

- |        |   |
|--------|---|
| Sec.   |   |
| 160.1  | Statutory authority.  |
| 160.2  | Definitions.  |
| 160.3  | Classes of applicants; preference rights.   |
| 160.4  | Filing of applications; copies necessary.   |
| 160.5  | Qualifications of applicants.   |
| 160.6  | No right conferred by application, prior to lease.  |
| 160.7  | Filing fees.  |
| 160.8  | Protests.   |
| 160.9  | Filing of petitions for renewals.   |
| 160.10 | Leases of withdrawn or reserved lands.  |
| 160.11 | Offer and issuance of lease; disposition of protests and conflicting applications.                          |
| 160.12 | Reduction in leased area.   |
| 160.13 | Leased lands subject to classification and disposition; compensation to lessee for improvement and damages. |
| 160.14 | Rental.   |
| 160.15 | Term of lease.  |
| 160.16 | Construction and removal of improvements.   |
| 160.17 | Cancellation of lease.  |
| 160.18 | Inspection of leased premises.  |
| 160.19 | Assignment of lease; subleases of leased lands.   |
| 160.20 | Leases pledged as security for loans.   |
| 160.21 | Appeals.  |

AUTHORITY: §§ 160.1 to 160.21, inclusive, issued under sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978, 43 U. S. C. sec. 315m.

§ 160.1 *Statutory authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated

and unreserved public lands outside of established grazing districts in the continental United States.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means the Director, Bureau of Land Management.

(d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Regional Administrator.

(e) "The act" means section 15 of the act of June 28, 1934 (48 Stat. 1275) as amended by section 5 of the act of June 26, 1936 (49 Stat. 1978, 43 U. S. C. 315m)

§ 160.3 *Classes of applicants; preference rights.* In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

(a) Leases where no preference right application is involved.

(b) Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less,<sup>1</sup> for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference right is asserted during a period of 90 days after such tract is offered for lease.<sup>2</sup>

§ 160.4 *Filing of applications; copies necessary.* An application for lease should be submitted on Form 4-721<sup>3</sup> and filed in the district land office for the district in which the lands applied for are situated, except that in the states in which there are no district-land offices, the application should be filed with the Regional Administrator for the Region in which the lands are situated. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The application

need not be under oath but must be signed by the applicant.<sup>4</sup>

§ 160.5 *Qualifications of applicants.* Any person who is a citizen of the United States or who has declared his intention to become a citizen and whose declaration is still valid, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file an application for a lease.

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public-land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Filing fees.* Every applicant for a lease must pay to the Manager, at the time of filing an application, a fee of \$5 if his lease application is for 1,000 acres or less, and an additional \$5 for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained as a service charge.

§ 160.8 *Protests.* Protests against the approval of an application for a lease should be in duplicate, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.9 *Filing of petitions for renewals.* A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for renewal of the lease on Form 4-725.<sup>5</sup> The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. No filing fee will be required in connection with a petition for renewal. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition.

<sup>4</sup> Title 16, U. S. C. sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

§ 160.10 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,<sup>6</sup> if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7 (c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.11 *Offer and issuance of lease; disposition of protests and conflicting applications.* The Manager, after consideration of the field report as to the area, term, and rental to be included in the proposed lease, shall forward it, in quadruplicate, on Form 4-722a,<sup>7</sup> to the applicant for execution. After execution, the applicant will return the proposed lease forms, together with the amount of rental due under § 160.14 to the district land office. If all is found to be regular, a lease will be issued by the Manager after final action has been taken by the Manager on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands at the time of field investigation. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the Manager in the light of all available information, including the field report.

After the proposed lease forms have been transmitted to an applicant, and if such lease is executed by him, any application filed subsequent to such transmittal will be rejected as to any lands included in that proposed lease.

§ 160.12 *Reduction in leased area.* The leased area may be reduced if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, town sites, mining claims, or for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. In that event, a proportionate reduction will be made in the annual rental charges.

§ 160.13 *Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.*

<sup>5</sup> Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 23, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (I) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C., sec. 501).

<sup>1</sup> Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision.

<sup>2</sup> By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

<sup>3</sup> Not filed with the Division of the Federal Register.

Lands embraced in a grazing lease are subject to classification and disposition under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1272) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315f). *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his leasehold. All such agreements, to be effective, must be approved by the Regional Administrator. If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Regional Administrator. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

Any agency of the Federal Government which needs lands embraced in a grazing lease for a governmental use other than one described in § 160.12, and requests a permit, withdrawal, reservation, lease or patent, shall be considered an applicant within the meaning of this section.

§ 160.14 *Rental*. Each lessee shall pay to the district land office specified in the lease, in accordance with the terms of the lease, such annual rental as may be determined to be a fair compensation for the grazing use of the leased land. In no lease, however, will the rental charge be fixed at less than \$1-per annum. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

§ 160.15 *Term of lease*. A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.16 *Construction and removal of improvements*. After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.

Upon the expiration of a lease or its earlier termination, the Regional Administrator may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, direct the Manager to require a proposed subsequent lessee, prior to the execution of a new lease, to

agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of section 15 leases. The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.13. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States.

§ 160.17 *Cancellation of lease*. If the lessee shall fail to comply with any of the provisions of these regulations or of the lease, and such default shall continue for 60 days after service of written notice thereof, the lease may be terminated and canceled by the Manager.

§ 160.18 *Inspection of leased premises*. The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior, and other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary Government business.

§ 160.19 *Assignment of lease; subleases of leased land*. Proposed assignments of a lease, and proposed subleases of the leased lands, in whole or in part, must be filed in the district land office and may be approved by the Manager. The assignments and subleases must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease; and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved.

§ 160.20 *Leases pledged as security for loans*. (a) A lease may be pledged as security for a loan of \$500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the District Land Office the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the lease will be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by these regulations.

(c) In case the property of the lessee which was the basis for the granting of a preference right, is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on

the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files in the District Land Office notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.21 *Appeals*. An appeal may be taken from any decision of the Manager to the Director, and from any decision of the Director to the Secretary, pursuant to the Rules of Practice (43 CFR, Part 221)

C. GIRARD DAVIDSON,

*Assistant Secretary of the Interior*

JULY 2, 1947.

[F. R. Doc. 47-6500; Filed, July 11, 1947; 8:46 a. m.]

## Chapter II—Bureau of Reclamation, Department of the Interior

### PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

#### RIVERTON IRRIGATION PROJECT, WYOMING

CROSS REFERENCE: For public notice opening public lands to entry and announcing availability of water for public and private lands in Riverton Irrigation Project, Wyoming, see Bureau of Reclamation, Department of the Interior, in Notices section, *infra*.

## TITLE 45—PUBLIC WELFARE

### Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency

#### PART 601—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

Regulations pursuant to Labor-Federal Security Appropriation Act, 1948, approved July 8, 1947, Title II, Subheading "Office of Vocational Rehabilitation," governing Federal reimbursement for one-half necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons.

*Introductory*. Pursuant to the authority conferred by the Labor-Federal Security Appropriation Act, 1948, the following regulations are prescribed with respect to the availability, under such act, of Federal reimbursement for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the use of blind persons where such vending stands and other equipment are to be controlled by a State Agency.

Sec.

601.1 Purpose and scope.

601.2 Terms.

601.3 Applicability of the regulations in this part.

Sec.	
601.4	Plan materials.
601.5	Content of plan materials; form, submission and amendment.
601.6	Content of plan materials; coverage.
601.7	In-service training.
601.8	Selection of locations.
601.9	Selection of types of business enterprises.
601.10	Selection of operators.
601.11	Vending stands in Federal buildings.
601.12	Supervision of operator.
601.13	Management, control and operation of the program.
601.14	Use of program proceeds.
601.15	Utilization of services of public agencies or private non-profit corporations serving the blind.
601.16	Limitation on amount of Federal reimbursement.
601.17	Expenditures for which Federal reimbursement is unavailable.
601.18	State's interest in vending stands and other equipment.
601.19	Disposition of vending stand and other equipment.
601.20	Maintenance of accounts.
601.21	Maintenance of inventories.
601.22	Reports.
601.23	Payments to States.
601.24	Limitation on payments to States.
601.25	Suspension of reimbursement authorization.
601.26	District of Columbia.
601.27	Continued operations of programs under plans submitted previous to the issuance of the regulations in this part.

AUTHORITY: §§ 601.1 to 601.27, inclusive, issued under the authority contained in Title II, subheading "Office of Vocational Rehabilitation," of the Labor-Federal Security Appropriation Act, 1948, (60 Stat. 679)<sup>1</sup> are superseded by the following regulations.

§ 601.1 *Purpose and scope.* The Business Enterprises Program includes vending stands, and any type of small business the operation of which will be improved through management and supervision by the State Agency controlling the program. Its purpose is to create and preserve employment opportunities for the successive use of qualified blind persons.

§ 601.2 *Terms.* Unless otherwise herein specifically indicated, the terms listed below are defined as follows:

(a) "Act" means Title II, subheading "Office of Vocational Rehabilitation," of Public Law 165, approved July 8, 1947, known officially as the "Labor-Federal Security Appropriation Act, 1948."

(b) "Vocational Rehabilitation Act" means Public Law 236, 66th Congress, approved June 2, 1920, as amended by Public Law 113, 78th Congress, 1st Session, approved July 6, 1943.

(c) "State plan" means a State plan of vocational rehabilitation approved under the provisions of the Vocational Rehabilitation Act.

(d) "Administrator" means the Federal Security Administrator.

(e) "Director" means the officer in the Federal Security Agency, acting under the immediate supervision of the Commissioner for Special Services to whom the Administrator has delegated the primary responsibility for carrying out the Vocational Rehabilitation Act under section 7 (c) thereof, other than that which involves the rule making power and the

making of annual reports and recommendations to the Congress.

(f) "State" means the several States, Puerto Rico, and the Territories of Alaska and Hawaii.

(g) "State Agency" means State Board or Agency for the Blind as hereinafter defined.

(h) "State Board" means the State Board of Vocational Education. (The term includes a Rehabilitation Commission in existence prior to the date of the act operating under an agreement with the Board approved by the Administrator.)

(i) "Agency for the Blind" means the State Blind Commission or other agency administering that part of the Plan under which vocational rehabilitation is provided the blind.

(j) "Vending stands" includes such counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment, as are necessary in order to establish suitable retail business enterprises for the benefit of blind persons.

(k) "Other equipment" includes such implements, apparatus, fixtures and appliances determined to be necessary for the establishment, for the benefit of blind persons, of appropriate business enterprises other than vending stands. The business enterprises established shall include only such manufacturing, servicing, selling, and agricultural activities as are best adapted to the most effective utilization of the skills and aptitudes of blind persons and shall be limited to such types of business enterprises as are set forth in the approved plan materials.

(l) "Cost of acquisition of vending stands and other equipment" means costs of vending stands and other equipment as well as costs of construction, delivery, and installation thereof.

(m) "Controlled by the State Agency" means a system under which the vending stands, and other equipment are owned, directly or indirectly, by the State Agency and the operations of the business enterprises, established by the State Agency through the use of vending stands and other equipment, are managed, regulated, and supervised, directly or indirectly, by the State Agency.

(n) "Program" means the establishment, maintenance, and operation for the benefit of blind persons of vending stands and other business enterprises controlled by the State Agency, where Federal reimbursement under the act is claimed for any portion of the expenditures for the acquisition of the vending stands or other equipment used or where funds are used which are derived in whole or in part from the operation of such vending stands or other business enterprises.

(o) "Private nonprofit corporation serving the blind" means any corporation organized for the promotion of the social and economic welfare of disabled persons, no part of the net earnings of which inures to the benefit of any shareholder or individual and which performs any functions in connection with the Business Enterprises Program under the direction and control of the State Agency.

(p) "Operator" means the blind individual selected by the State Agency to conduct the daily operations of a particular vending stand or other business enterprise in the program.

(q) "Randolph-Sheppard Act" means Public Law 732, approved June 20, 1936, enacted by the 74th Congress.

(r) "Designated State Licensing Agency" means a State Commission for the blind or other public agency designated under the provisions of the Randolph-Sheppard Act to issue licenses to blind persons for the operation of vending stands in Federal buildings in the State.

§ 601.3 *Applicability of the regulations in this part.* Regulations in this part are applicable only to those State Agencies administering State plans, or parts thereof, providing for the vocational rehabilitation of blind persons and desiring to claim Federal reimbursement, under this act, for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the program.

§ 601.4 *Plan materials.* Federal reimbursement, in accordance with the act and regulations in this part, shall be available only to the extent that such expenditures are made pursuant to the provisions of plan materials approved by the Director, who shall approve plan materials which are found by him to comply with the requirements set forth in the act and regulations in this part and which are determined by him to be feasible and to contain no provisions substantially increasing the costs or impairing the effectiveness of the program.

§ 601.5 *Content of plan materials; form, submission and amendments.* Plan materials shall follow the main outlines as to form and content indicated in the guide for the submission of plan materials relating to controlled vending stands and business enterprises for the blind, which will be released pursuant to the regulations in this part. The plan materials shall be transmitted over the signature of the duly authorized officer of the State Board and also over the signature of the duly authorized officer of the Agency for the Blind, where the program is administered by such Agency for the Blind, and shall indicate the date of adoption, the effective date, and the fulfillment of any necessary conditions precedent. Amendments shall be similarly submitted as frequently as may be necessary to reflect actual or, where Federal requirements are involved, contemplated changes in any material phase of the program.

§ 601.6 *Content of plan materials; coverage.* The plan materials shall include descriptions of the material phases of the management, control and operation of the program, including the following:

(a) Pertinent legal provisions relating to the operations of the program and to the authority of the State Agency for its administration.

(b) The organizational structure of the unit of the State Agency and of any public agency or private non-profit corporation serving the blind, utilized by

<sup>1</sup> 11 F. R. 8226.



the State Agency for providing necessary ministerial services in connection with the operating phases of the program, including a description of the functions of such unit and of such agency or corporation (together with copies of the charter and bylaws thereof) and the relationships of such unit to such agency or corporation and to other units of the State Agency.

(c) The standards of personnel administration applicable to all State Agency personnel engaged in the management or control of the program, including job classification and compensation schedules, examination, selection and appointment procedures, and all applicable rules and standards.

(d) The policies, procedures and standards employed in the selection of suitable locations for vending stands and other business enterprises for the program.

(e) The policies, procedures and standards governing the relationship of the State Agency to the operators, including selection, duties, supervision, transfer, financial participation, entitlement to health retirement and other benefits, and training designed to improve their proficiency.

(f) The arrangements made or contemplated for the utilization of the services of public agencies or private nonprofit corporations serving the blind, the agreements with such agencies or corporations and the services to be provided, the procedures for the supervision and control of the services provided by the public agency or corporation and methods used in evaluating services received, the basis for remuneration to such agencies or corporations, and the fiscal controls and accounting procedures.

(g) The policies, procedures and standards for the management, control and operation of the program, including the scope and areas of assistance to and supervision of the operators, the design and purchase of the vending stands and other equipment for the program and the purchase of the stock, merchandise, materials and supplies used, sold or manufactured in the program.

(h) The policies, procedures and standards with respect to the fiscal, statistical and reporting aspects of the program, including sources of funds, procedures and policies relating to the collection, custody, safeguarding and disbursement of the funds used in and derived from the operations of the program, and the accounting, budgeting, auditing and statistical methods employed.

§ 601.7 *In-service training.* The plan materials shall provide for the establishment of such a system of in-service training for State Agency personnel engaged in the management and control of the program as is necessary to provide such personnel with adequate working knowledge of subjects essential to the efficient fulfillment of their duties.

§ 601.8 *Selection of locations.* The plan materials shall provide that locations for vending stands and other business enterprises in the program shall be selected in accordance with such standards as are necessary to assure the most

productive utilization of the Federal funds granted and the maximum development of economic opportunities for the blind.

§ 601.9 *Selections of types of business enterprises.* The plan materials shall provide that the types of business enterprises selected for the program shall be such as are determined to be suitable for the most effective utilization of the skills and aptitudes of blind persons in the program and as are set forth in the approved plan materials. They shall also set forth the bases for the selection of enterprises.

§ 601.10 *Selection of operators.* The plan materials shall provide that the State Agency will select the operators for the program in accordance with such standards and in such manner as may be necessary to assure the operation of the program by blind persons who are in need of such economic opportunities and who are qualified therefor through vocational rehabilitation.

§ 601.11 *Vending stands in federal buildings.* The plan materials shall provide that vending stands in Federal buildings shall be established under the program only where the operators thereof have been licensed by the Designated State Licensing Agency and shall be managed, controlled and operated by the State Agency only in accordance with the provisions of the Randolph-Sheppard Act, the Regulations promulgated thereunder and the regulations in this part.

§ 601.12 *Supervision of operator.* The plan materials shall set forth such policies and procedures as are necessary to assure the establishment and maintenance of working relations by the State Agency and the operators to insure sound business practices and designed to protect and foster their economic and social welfare.

§ 601.13 *Management, control and operation of the program.* The plan materials shall provide that the program shall be managed, operated and controlled by the State Agency in accordance with such sound business principles and practices as are determined to be necessary for the successful operation of each type of enterprise in order to safeguard the social and economic welfare of all blind persons under the program.

§ 601.14 *Use of program proceeds.* The plan materials shall provide that any program proceeds derived directly or indirectly by the State Agency from the operations of the program shall be retained by or for the benefit of the State Agency in a separate, continuing account. The funds of this account shall be subject to disbursement, under the control and at the direction of the State Agency, for such purposes and only in such manner as may be set forth in the approved plan material. These purposes may include the payment of a pro rata share of the necessary managerial, supervisory and operating expenses, the establishment of a fair minimum return for all operators, the expansion of the program, the preservation and replacement of program assets,

and the provision of retirement and other benefits to the operators.

§ 605.15 *Utilization of services of public agencies or private nonprofit corporations serving the blind.* The plan materials shall provide that if, in the operation of any phase of the program, the State Agency utilizes the services of a public agency or private nonprofit corporation serving the blind, the terms of the agreement between the State Agency and such agency or corporation shall comply with such standards and contain such provisions as are determined to be necessary to insure the retention by the State Agency of full responsibility for the management, control, and operation of all phases of the program and to protect the interests of the operators. The plan materials shall also provide that the State Agency will not enter into any agreement or arrangement with any public or private agency or corporation which will in any way, either directly or indirectly, prejudice, impair, or limit the authority of the State Agency to take any action deemed by it necessary for the proper and efficient management, control, and operation of the program, including all actions with respect to the selection, placement, and financial participation of the operators and the purchase, utilization, and disposition of program assets.

§ 601.16 *Limitation on amount of Federal reimbursement.* Federal reimbursement under the act and the regulations in this part shall not exceed one-half the necessary cost of acquisition of vending stands or other equipment for the program: *Provided,* That such Federal reimbursement shall not exceed \$600.00 for any one vending stand or for any one business enterprise irrespective of the number of operators placed in such vending stand or business enterprise.

§ 601.17 *Expenditures for which Federal reimbursement is unavailable.* Federal funds under the act are available only as set forth in § 601.16 and are not available for reimbursement, directly or indirectly, for the following types of expenditures: The purchase, erection, rental or repair of any building or buildings; the purchase or rental of any land; the payment of any costs incurred in the management, control or operation of the program; the purchase of stock, livestock, materials, merchandise, supplies, heat, light or power; expenditures for the acquisition of vending stands or other equipment for the blind purchased with State funds prior to the submission of approvable plan materials under the regulations in this part, or for payments to individuals for vending stands or other equipment where such individuals will participate in the program.

§ 601.18 *State's interest in vending stands and other equipment.* The plan materials shall provide that the right and title to and interest in the vending stands and other equipment used in the program will be vested, in accordance with the laws of the State, in the State Agency for use and disposition for program purposes only. *Provided,* That subject to the provisions of the regulations in this part such right, title and interest

may be vested, in accordance with the laws of the State, in a public agency or a private non-profit corporation serving the blind where such corporation or agency has been designated by the State Agency as its nominee to hold such right, title and interest only for program purposes subject to the paramount right of the State Agency to direct and control the use, transfer and disposition of such vending stands and other equipment.

§ 601.19 *Disposition of vending stand and other equipment.* With respect to the disposition of vending stand or other equipment used in the program, the plan materials shall provide as follows:

(a) All sales of vending stands and other equipment used in the program shall be made in accordance with applicable State laws, regulations, and standards governing the sale of State-owned equipment. In the absence or inapplicability of State laws, regulations, and standards the plan materials shall provide that the State Agency will secure bids from individuals or dealers in sufficient number to insure receiving the highest possible returns for the articles sold.

(b) When old or obsolete vending stand or other equipment is exchanged as part payment for new equipment, the trade-in allowance accepted by the State Agency for the equipment so exchanged shall be in accordance with applicable State laws, regulations, and standards. In the absence or inapplicability of such State laws, regulations, and standards, the trade-in allowance accepted by the State Agency will be comparable to the allowance customarily made for articles of like character in like condition.

(c) Upon the disposition or use of the vending stand or other equipment for other than program purposes, any proceeds of such disposition or the fair value of vending stand or other equipment which is used for other than program purposes shall be credited to the Federal account in proportion to the Federal participation in the original expenditure for such vending stand or other equipment.

§ 601.20 *Maintenance of accounts.* The plan materials shall provide for the maintenance by the State Agency of such accounts and supporting documents as (a) will permit an accurate and expeditious determination to be made at any time both of the status of the Federal funds granted for the purposes of the act and of the operation of the program and (b) will provide for each individual

operating location at least the minimum of data as indicated in the Accounts Guide released to accompany the regulations in this part.

§ 601.21 *Maintenance of inventories.* The plan materials shall provide that the State Agency shall maintain complete inventories of all vending stands, other equipment, stock, materials and supplies acquired for or used in the program. The plan materials shall, in addition, provide that all vending stands and other equipment used in the program will be suitably marked so as to indicate clearly the nature and extent of the State Agency's interest therein and that such other action will be taken by the State Agency as may be necessary under the laws of the State to establish, protect and maintain such interest.

§ 601.22 *Reports.* The plan materials shall provide that fiscal, statistical and operating reports with respect to the program shall be furnished at such time and with such frequency as the Director shall determine to be necessary upon forms prescribed therefor.

§ 601.23 *Payments to States.* Payments to the States for the purposes of the act will be made in the manner set forth in and under the conditions prescribed by §§ 600.35, 600.36, and 600.37 of the regulations issued pursuant to the Vocational Rehabilitation Act relating to estimates, certification and the effect of certification. The estimates submitted in accordance therewith shall contain such additional information with respect to the Federal funds requested for the purposes of the act as the Director may deem necessary.

§ 601.24 *Limitation on payments to States.* With respect to the Federal funds granted for reimbursement under the act for the acquisition of vending stands and other equipment for the program, the Director may limit, for particular periods, the amount of Federal funds granted to a State.

§ 601.25 *Suspension of reimbursement authorization.* The Director shall, if he finds that a State Agency has failed to comply substantially with the provisions of the plan materials approved hereunder, withhold authorization for any further reimbursement from Federal funds for the acquisition of vending stands and other equipment for the program until such time as there is no longer any such failure to comply.

§ 601.26 *District of Columbia.* All operations within the District of Co-

lumbia pursuant to the act will be administered by the District of Columbia Rehabilitation Service and all applicable provisions of the regulations in this part, including the formulation and submission for approval of plan materials, will govern such operations.

§ 601.27 *Continued operations of programs under plans submitted previous to the issuance of regulations in this part.* Insofar as they are not inconsistent with the act or the regulations in this part, plan materials submitted pursuant to Public Law, 549, 79th Congress (60 Stat. 679) approved July 26, 1946, or to the regulations issued by the Federal Security Administrator under the date of July 26, 1946, pursuant to that act, shall be of the same force and effect and shall be subject to the same terms and conditions as though submitted under the regulations in this part.

[SEAL] MAURICE COLLINS,  
Acting Federal Security  
Administrator.

JULY 8, 1947.

[F. R. Doc. 47-6527; Filed, July 11, 1947;  
8:57 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR, Part 904]

[Admin. 282, Amdt. 1]

MILK HANDLING IN GREATER BOSTON,  
MASS., MARKETING AREA

AMENDMENT OF ORDER DIRECTING THAT  
REFERENDUM BE CONDUCTED AMONG  
PRODUCERS

The order of the Secretary of Agriculture, issued June 30, 1947 (12 F. R. 4429) directing that a referendum be conducted among the producers supplying milk to the Greater Boston, Massachusetts, marketing area is hereby amended to provide that such referendum shall be completed not later than July 9, 1947.

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-6548; Filed, July 11, 1947;  
8:48 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1944503]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JULY 3, 1947.

Notice is given that the plat of survey of lands hereinafter described will be

officially filed in the District Land Office, Blackfoot, Idaho effective at 10:00 a. m. on September 4, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 4, 1947, to December 3,

1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2)

## NOTICES

application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 15, 1947 to September 4, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 4, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 3, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 13, 1947, to December 3, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 3, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

The lands affected by this notice are described as follows:

## BOISE MERIDIAN

T. 6 N., R. 5 W.,  
Sec. 6, lot 4.

The area described aggregates 25.71 acres. The land referred to is an island in Snake River, Idaho. It has a level surface with a rich, sandy, loam soil and can be cultivated and irrigated by pumping from the Snake

River, its elevation being only 6 to 10 feet above the water surface of the river.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-6501; Filed, July 11, 1947;  
8:46 a. m.]

[19969384]

## CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY  
ACCEPTED APRIL 22, 1947

JULY 7, 1947.

Notice is given that the plat of extension survey of lands hereinafter described will be officially filed in the District Land Office, Sacramento, California, effective at 10:00 a. m. on September 8, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 8, 1947, to December 8, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 19, 1947, to September 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 8, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 18, 1947, to December 8, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or

naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this notice are described as follows:

## MOUNT DIABLO MERIDIAN

T. 18 S., R. 42 E.,  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ .  
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , NE $\frac{1}{4}$ .  
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ .  
Sec. 31, all;  
Sec. 32, lots 1, 2, 3, 4, NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ .

The areas described aggregate 2,569.05 acres. The land involved is rough and rocky in character.

FRED W. JOHNSON,  
Director

[F. R. Doc. 47-6502; Filed, July 11, 1947;  
8:46 a. m.]

## Bureau of Reclamation

[Public Notice 26]

## RIVERTON IRRIGATION PROJECT, WYOMING

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF  
WATER FOR PUBLIC AND PRIVATE LANDS AND  
OPENING OF PUBLIC LANDS TO ENTRY

JUNE 26, 1947.

1. *Land for which water will be furnished.* Pursuant to the act of June 17, 1902 (32 Stat. 388), as amended and supplemented, herein called the Federal Reclamation Law, announcement is hereby made that water will be available in the irrigation season of 1948, for certain irrigable lands under the Riverton Irrigation Project, Wyoming, and that beginning at 2:00 p. m., July 10, 1947, entry may be made in accordance with this public notice for the public land described hereinafter. Water will be made available under the provisions of the Federal Reclamation Law and in accordance with the terms, conditions, and charges herein provided. The irrigable lands for which water is to be made available are shown on the farm unit plats for Townships 2 and 3 North, Ranges 3, 4, 5 and 6 East, Wind River Meridian, Wyoming. These lands are described as follows:

## (a) Public lands.

## WIND RIVER MERIDIAN, WYOMING

Section	Farm unit	Description	Total Irrigable acres	Section	Farm unit	Description	Total Irrigable acres
Township 2 North, Range 3 East				Township 3 North, Range 3 East—Continued			
2.....	A	Lots 1, 2, 3 and W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 2.	103.6	34.....	B	S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34.	112.6
2.....	C	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 35, T. 3 N. R. 3 E.	80.9	35.....	A	E $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 35.	89.2
3.....	A	Lot 1 and S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 3.	90.5	35.....	B	W $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 35.	82.8
3.....	B	Lots 2 and 3, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 3.	118.4	35.....	D	W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 35.	60.6
3.....	C	S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 3; N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 10.	100.6	Township 2 North, Range 4 East			
4.....	A	S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 4; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 9.	104.8	12.....	C	Lot 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 12.	73
8.....	B	S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 4; S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 5; W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 9; N $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 8.	117.6	Township 2 North, Range 5 East			
5.....	A	S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 5.	132.4	1.....	A	Lots 2, 3, 4 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 1.	82
7.....	C	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 8; S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 7.	113.3	10.....	E	W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 2; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 10; W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 11.	123
8.....	A	SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 8; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 7; S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 6.	124.6	3.....	B	W $\frac{1}{2}$ SE $\frac{1}{4}$ of sec. 3; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 10.	102
8.....	D	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 7; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 17.	93.4	3.....	C	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 3; N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 10.	94
9.....	C	S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 9.	80.9	6.....	D	E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 6; E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 7.	85
9.....	D	SE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 9.	82.1	12.....	B	E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 11; W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 11; SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 2.	81
16.....	E	S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 8; W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 17.	104.8	11.....	C	W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 11; SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 2.	102
16.....	F	N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 16; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 9.	110.5	11.....	D	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 2; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 11.	90
10.....	A	S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 10.	109.9	Township 3 North, Range 6 East			
10.....	B	S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 10.	93.4	Township 2 North, Range 6 East			
15.....	A	W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 15.	93.1	5.....	A	Lots 2, 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 5.	89
16.....	A	S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 16.	107.0	6.....	C	Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 6; Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 6.	113
16.....	B	S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 16.	130.6	5.....	B	SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 6.	102
21.....	C	W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 15; S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 16; N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 21.	128.1	7.....	A	E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 7; W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 8.	100
21.....	A	S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 21.	118.7	7.....	B	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ of sec. 7; NW $\frac{1}{4}$	

(b) *Private lands.* The following described lands are privately owned lands. After the date hereof water will be available therefor and the construction charges allocated to them will be repaid under the same terms and conditions as announced for the other lands covered by this order upon water rental applications being properly executed and water rental payments made as required hereby.

## WIND RIVER MERIDIAN, WYOMING

Section	Description	Total irrigable acres
<i>Township 2 North, Range 3 East</i>		
28	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.6
<i>Township 3 North, Range 3 East</i>		
20	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	22.6
<i>Township 2 North, Range 5 East</i>		
2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.5
<i>Township 3 North, Range 5 East</i>		
25	NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.7
30	NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.7
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	22.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.3
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.3
<i>Township 2 North, Range 6 East</i>		
5	Lot 5	20.1
	Lot 8	3.0
	Lot 9	16.3
10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
20	Lot 3	7
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.0
	Lot 4	9.7
	Lot 7	2.9
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.6
29	Lot 2	1.4
30	Lot 1	18.3
	Lot 2	18.4
<i>Township 3 North, Range 6 East</i>		
17	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.0

2. *Limit of acreage for which entry may be made or water secured.* The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such lands, is fixed in the amounts shown upon the farm unit plats for the respective farm units listed above. No one can at the same time hold and obtain water rights on a Federal Reclamation Project for both a farm unit of public land and a tract of privately-owned land unless the installments on the water right, either for the farm unit or for the private lands, not exceeding 160 acres, have been paid in full. The maximum area for which water may be secured for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Payment for land required.* The public lands covered by this notice were formerly a part of the Wind River or

Shoshone Indian Reservation, and in accordance with the act of March 3, 1905 (33 Stat. 1016) as amended by the act of March 4, 1921 (41 Stat. 1404) the entryman must pay, in addition to the Reclamation charges, one dollar and fifty cents (\$1.50) per acre for said land in the District Land Office at Cheyenne, Wyoming, of which fifty cents (\$0.50) per acre will be payable on the date of entry, and twenty-five cents (\$0.25) per acre per year for each of the four years thereafter. Failure to make deferred payments when due will render the entry subject to cancellation.

4. *Application for public lands.* An application for a farm unit listed in this notice must be filed with the Project Engineer, Bureau of Reclamation, Riverton, Wyoming, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person. All applications received prior to 2:00 p. m., October 8, 1947, will be treated as simultaneously filed. Applications for a farm unit received after 2:00 p. m., October 8, 1947, will be considered only as provided in subparagraph (f) (5) of this notice.

(a) *Preference rights of veterans of World War II.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747) as amended by the acts of June 25, 1946 (Pub. Law 440—79th Cong.) and May 31, 1947 (Pub. Law 82—80th Cong.) a preference right of application for a period of ninety days will be given to any person, including a person under 21 years of age, who has served in the military or naval forces of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the present war and who is honorably discharged and who makes homestead entry subsequent to such discharge. Such preference right extends to the spouse or in case of death or marriage to the guardian of the minor orphan children of (1) any person who has died as a result of wounds received or disability incurred in line of duty while serving in the military or naval forces of the United States at any time on or after September 16, 1940, and prior to the termination of the present war or (2) any person who, prior to his or her death, had the qualifications set forth in the first sentence of this sub-paragraph and would have been entitled to a preference right of application had he or she lived.

(1) An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747) shall mean (a) the separation of the veteran from the service by means of an honorable discharge or a discharge under honorable conditions; (b) the transfer of the veteran from active duty to a reserve or retired status prior to the termination of the war or (c) the ending of the period of the veteran's war service by reason of termination of the war, even though the veteran remains in the military or naval service.

(2) All applicants are required to answer fully Question 1, on the Farm Application Blank, and, if claiming veterans' preference, must attach thereto a photostatic, certified or authenticated

copy of an official document of his respective branch of military or naval service which clearly indicates an honorable discharge as described in subsection (1) of this paragraph (a).

(3) Applicants entitled to veterans' preference must satisfy all requirements of entrymen set forth in this notice. They will be rated as prescribed in subparagraph (e) and, if found eligible, will be listed on a preference register in the order of their ratings.

(4) For the purpose of this notice the ninety-day preference right of application for veterans of World War II shall begin with the day lands described herein are opened for entry, July 10, 1947, and continue until the close of the simultaneous filing period, 2:00 p. m., October 8, 1947. Applicants for farm units who do not claim or establish such veterans' preference will not be rated until it is evident that sufficient qualified applicants, who have veterans' preference rights and who have filed application not later than 2:00 p. m., October 8, 1947, are not available to enter all the farm units listed in this notice. Non-preference applicants, if and when rated, will be listed on a non-preference register in the order of their rating. When the preference register has been fully cleared by awards of farm units or withdrawal of applicants or both, awards will be made to applicants on the non-preference register in the manner described in subparagraph (f) (5).

(b) *How to file an application for a farm unit.* Farm application blanks on which to make application for a farm unit under this notice may be secured from the Project Engineer, Bureau of Reclamation, Riverton, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana, or the Commissioner, Bureau of Reclamation, Washington, D. C. The first paragraph of the application blank has spaces for the description of farm units for which the applicant wishes to be considered in the event he qualifies for the award of a unit. These blanks need not be filled in until the applicant is called for personal interview as prescribed in subparagraph (f). However, he must set forth his preference prior to the interview. During the period set for personal interview, but before the actual interview, the Board will permit the applicant to fill in or change the description of the units which he elects after the applicant has had opportunity to make personal inspection of the farm units. If the Board deems it advisable, it may require the applicant to list, on a suitable form, all the units for which he wishes to be considered in the order of preference and sign a statement to the effect that he does not desire to be considered for any unit not listed. No advantage will accrue to an applicant who inspects the units elected prior to filing application, although each successful applicant must personally inspect the unit awarded prior to filing homestead entry with the District Land Office of the Bureau of Land Management. The choice of the applicant will be given full consideration. Except for the description of farm units in the first paragraph, all other



questions on the farm application blank must be fully answered. Irrespective of any preference established under subparagraph (a) there must be strict compliance with the provisions of subparagraph (e)

(c) *Applicants must be qualified.* No entry shall be accepted or allowed by the Register of the District Land Office until the applicant therefor has satisfied the Examining Board appointed as set forth in subparagraph (d) below, that he is possessed of qualifications of industry, experience, character, and capital, as set forth in subparagraph (e). These qualifications are in addition to those required under the homestead laws. A statement of the qualifications required by the homestead laws may be secured from the District Land Office at Cheyenne, Wyoming, or from the Bureau of Land Management, Washington, D. C.

(d) *Examining Board.* An Examining Board of three members has been approved by the Commissioner of the Bureau of Reclamation to establish qualifications and consider the fitness of each applicant to undertake the development and operation of a farm. If found necessary, the Commissioner reserves the right to appoint additional or alternate members not to exceed a total of five. The Project Engineer, who is a member of this Board representing the United States, will act as secretary. The statements made by applicants in their farm applications, as corroborated by the persons named as references therein, shall be used by the Board as the basis for determining the relative standing of applicants under subparagraph (e) below. Careful investigations will be made to verify the statements and representations made by applicants both on the farm application blanks and in the course of personal interviews, to the end that no misunderstandings may prevail either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification or fraudulent representation made or discovered at any time will cause an application to be rejected. The Board is authorized to make rules incident to carrying out the provisions of this public notice with respect to rating and selection of applicants, and to establish the time for personal interviews. The Board will rate applicants according to standards described in subparagraph (e) below, and award public land units to successful applicants as set forth in subparagraph (f)

(e) *Determination of relative standing of applicants.* To determine whether an applicant for a farm unit is qualified under the provisions of subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702) he will be rated and examined. The relative standings of the applicants will be based upon percentage rating with the following maximum weights given to the four prescribed qualifications:

I. Character.....	10
II. Industry.....	20
III. Capital.....	35
IV. Farm experience.....	35

Applicants for a farm unit will be rated for each of the above four qualifications

according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules:

I. Character:	Percent
(a) Fair.....	4 (minimum)
(b) Good.....	5 to 7
(c) Excellent.....	8 to 10
II. Industry:	Percent
(a) Fair.....	5 (minimum)
(b) Good.....	6 to 10
(c) Excellent.....	11 to 20

III. Capital:	
(a) \$1,000 to \$1,499..	20 (minimum) to 24
(b) \$1,500 to \$1,999..	25 to 29
(c) \$2,000 to \$2,499..	30 to 34
(d) \$2,500 or above..	35 (maximum)
(e) One to four percent may be added to items (a), (b), or (c) for guaranteed credit of from \$1,000 to \$4,000: <i>Provided</i> , That the total percentage allowed for capital shall not exceed 35 percent. The credit must be suitable for the establishment of an economically sound farming operation.	

**NOTE:** The minimum capital requirement of \$1,000 set forth in (a) above must be assets owned by the applicant and credit may not be substituted therefor.

IV. Farm experience:	Percent
(a) 2 years of farm work as a farmer's son after the age of 12 years or as a farm hand or farm operator after the age of 15 years....	20
(b) Each additional year's work as farm hand, farmer's son or farm operator.....	5
(c) Each year of agricultural training in college, or technical experience in field of agriculture, if deemed by the Board to be equivalent to farm experience....	2½

**NOTE:** Item (a) is the minimum required for all applicants. The total percent allowed for items (a), (b), and (c), shall not exceed 35 percent. Farm experience must be of such a nature as in the judgment of the board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

V. Although no rating is provided for the physical condition of the applicant, he must be in such physical condition as to permit satisfactory farm operation. If physically handicapped or afflicted with ailments making the condition questionable, a detailed statement by an examining physician should accompany the application. The Examining Board will determine from the individual's application blank and from a personal interview, should he be one of those applicants selected as set forth in subparagraph (f) (4) below, whether the applicant is physically able to operate a farm and shall disqualify him if facts are such as to warrant such disqualification.

(f) *Showing of applicants and selection thereof.* In conformity with the following method, farm units listed in this public notice will be awarded by the Board as follows:

(1) Each applicant qualifying for veterans' preference under the act of September 27, 1944 (58 Stat. 747) as amended, who satisfies the minimum requirements set forth in subparagraph (e) shall be given a preliminary rating based upon the showing made by his farm application blank. He will be listed on a preference register in the order of his rating. Applicants who do not fulfill the minimum requirements will be so notified by registered mail with return receipt demanded.

(2) As soon as possible after October 8, 1947, the Examining Board shall select from the preference register referred to in subparagraph (f) (1) above, 136 applicants, in the order of their rating. If the preliminary rating of any remaining applicant is the same as the last selected applicant, the Board will add the names of such additional applicants with the same rating to the list of 136 to participate in the drawing set forth in subparagraph (f) (3) below. Immediately following the selection of this group of 136 or more persons, all other applicants remaining on the preference register shall be notified by registered mail, with return receipt demanded, of their standing. Each such applicant shall also be notified that since the number of qualified applicants exceeds the number of available farms, his application must be suspended and held for further consideration as provided in this notice.

(3) The Board, in a suitable and impartial manner, shall then conduct a drawing of the names of all applicants selected as set forth in subparagraph (f) (2) above; entering their names on a priority list in the order drawn.

(4) The Board shall then call the first 68 applicants for personal interviews, advising each applicant of his standing on the priority list as established by the drawing. He shall be advised of the probability that he will be certified as an entryman with priority of award in the order drawn if the interview is satisfactory. Ordinarily the applicant will be certified as an entryman after the interview unless he fails to substantiate his showing on the farm application blank or he fails to elect one of the farm units remaining available after higher priority awards have been made. If the interview is satisfactory and the applicant is next on the list to receive a farm unit, the first unit on his preference list established as provided in subparagraph (b) of this paragraph which is available will be awarded to him. If applicants higher on the priority list remain to be interviewed, definite allocation of a farm unit will be held in abeyance until all such prior award applicants have been allocated farm units. If any applicant is disqualified as set forth in paragraph 4 (e) his name shall be removed from the priority list and the preference register and other applicants on the priority list moved up in the order of their drawing. If any applicant is reduced below the lowest rating of the 136 or more applicants selected to participate in the drawing, his name shall be removed from the priority list and his position on the preference register adjusted in accordance with his revised rating. Additional applicants beyond the first 68, in the order of drawing, shall immediately be called for interview. To avoid the necessity of an applicant making a long journey without a reasonable assurance that he will receive a farm unit, no more applicants shall be called for interview than there are units available. If the available farm units are all allocated before the names of all applicants on the priority list as provided in subparagraph (f) (3) are exhausted, each remaining applicant shall be notified by registered mail, with return receipt demanded.

celpt demanded, that all farm units to be opened have been allocated and that his application must be held for rejection. He will, however, retain his place on the priority list for further consideration should any units become available through failure of the entryman to complete his transaction, as provided in paragraph (h) below.

(5) Should the applicants on the priority list be exhausted before the available farm units are allotted, the selection process shall be repeated with the next highest rated group as outlined in subparagraphs (f) (2) (3) and (4) immediately above. Should any farm units remain available when the preference register is exhausted, applications of persons who do not have veterans' preference and whose applications were filed prior to 2:00 p. m., October 8, 1947, will be considered as outlined in subparagraphs (f) (2), (3) and (4) immediately above. Should any farm units remain available after all applications filed before 2:00 p. m., October 8, 1947, have been considered, applications received after 2:00 p. m., October 8, 1947, will be considered in the order filed.

(6) Each action of the Board with respect to any individual applicant as provided in this subparagraph (f) is subject to appeal to the Director of Region VI, Bureau of Reclamation, Billings, Montana. Such appeals must be filed in the office of the Project Engineer, Riverton, Wyoming, within 15 days of receipt of notice of any action of the Board with respect to his application. The Project Engineer will forward such appeals promptly to the Regional Director.

(g) *Notification of applicants.* (1) The decision of the Board as to the selection of successful applicants and the award of farm units shall be reduced to writing and a copy forwarded to the successful applicant, with return receipt requested. With such notice, the Board shall enclose statement of the minimum water charges due on the farm awarded, and water-rental applications, and where appropriate, petition for the inclusion of such farm unit within the Midvale Irrigation District. Payment of the minimum water charges and such properly executed water-rental application, together with executed petition for the inclusion of lands within the Midvale Irrigation District, where required, must be in the office of the Bureau of Reclamation, Riverton, Wyoming, within 15 days of receipt of the notice of award. Upon receipt by the Project Engineer of the payment of minimum water charges, together with the executed water-rental application and petition for the inclusion of the lands within the Midvale Irrigation District, where required, within the period specified, the Secretary of the Examining Board will furnish each such applicant a certificate stating that his qualifications to enter public lands, as required by Subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by that Board. Such certificate may be delivered personally or by registered mail, but in either case a proper acknowledgment of receipt must be secured. Such certificate must be attached by the appli-

cant to his homestead application when he files such application at the District Land Office at Cheyenne, Wyoming. Such homestead application shall be filed within 30 days from the date of the receipt by the applicant of said certificate. Upon return of receipt indicating applicant has received above certificate, the Secretary of the Examining Board will indicate upon a copy thereof the time upon which the 30-day period for filing homestead application expires and forward same to the District Land Office.

(2) After all farm units have been entered, all applicants whose applications have not been previously rejected will be notified that the farm units listed in Public Notice No. 26, have been entered and all pending applications therefor are held for rejection.

(h) *Failure of selected applicant to complete transaction.* Failure of the selected applicant to pay the water charge or to make homestead application, or to execute and file any required water-rental application or petition for inclusion of lands within the Midvale Irrigation District, within the time herein or hereafter specified, shall disqualify the applicant and entitle the Board to cancel the award of his farm unit and to award the same farm unit to another applicant selected in the manner prescribed in subparagraph (f)

(i) *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice; *Provided, however* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

(j) *Oil and gas leases.* Certain of the farm units are covered in whole or in part by oil and gas leases executed through the Bureau of Land Management under the act of February 25, 1920 (41 Stat. 437) as amended. Detailed information concerning these leases may be secured at the Bureau of Land Management, Washington, D. C., or at the District Land Office, Cheyenne, Wyoming.

(k) *Reservation of rights-of-way for County, State and Federal highways and access roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown on the farm plats, said rights-of-way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and either 40 feet or 50 feet each side of said lines for State and Federal highways.

(l) *Reservation of rights-of-way for telephone and electric transmission lines.* Rights-of-way are reserved for Government-owned telephone and electric transmission lines as now constructed, and the Secretary reserves the right to locate such other Government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation, or maintenance of said project.

(m) *Waiver of mineral rights.* All homestead entries for any of the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office; otherwise, the homestead application will be rejected or the homestead entry cancelled.

5. *Application for delivery of water to private lands.* Blanks on which to make water-rental application for private lands described in paragraph 1 may be secured from the Project Engineer, Bureau of Reclamation, Riverton, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana, or the Commissioner, Bureau of Reclamation, Washington, D. C. Each such application shall be filed on or after October 3, 1947, in the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming. Where the lands covered by such application are not already included within the Midvale Irrigation District, each such application shall be accompanied by an executed petition to have such land included in the District or by evidence that such petition has already been filed with the Irrigation District Board.

6. *Contract with Midvale Irrigation District.* The lands described above in paragraph 1 are within the exterior boundaries of the Midvale Irrigation District, organized under the laws of the State of Wyoming with offices located at Riverton, Wyoming. The United States and the Midvale Irrigation District entered into a contract dated February 12, 1931 (Hr-629) and amended December 4, 1933, and December 13, 1943. Under this contract the District agreed to make levies to pay the United States required water rental charges covering the cost of operating and maintaining the irrigation works serving the District lands, and agreed to repay the United States the cost of constructing such works. Copy of this contract may be examined in the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming, or in the office of the Commissioner of the Bureau of Reclamation, Washington, D. C. To facilitate the furnishing of water to the lands described in paragraph 1, it will be necessary to include all such lands in the Midvale Irrigation District. To this end, it will be required that each water rental application hereunder be accompanied by a petition for the inclusion of lands covered by such application in the Midvale Irrigation District, unless such petition has already been filed or unless such lands are already included in the District.

7. *Water rental charges.* The first payment of water rental charges will be made when the water rental application is filed at the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming. Thereafter, water rental charges for lands within the Midvale Irrigation District will be paid pursuant to levy made by the Irrigation District Commissioners.

(1) The minimum water charge for 1948, and thereafter until further notice,

shall be one dollar and fifty cents (\$1.50) per acre for each irrigable acre of land. Payment of this charge will entitle the entryman or landowner to a farm delivery of 2 acre-feet of water per irrigable acre for each irrigation season.

(2) Additional water will be furnished during the 1948 irrigation season and thereafter until further notice at the rate of fifty cents (\$0.50) per acre-foot for the third acre-foot per irrigable acre and seventy-five cents (\$0.75) per acre-foot for each additional acre-foot per irrigable acre thereafter. Charges for the additional water are to be paid on or before December 1, of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

(3) In the event any applicant does not receive notice of the award of a farm unit until after July 1, 1948, or July 1, of any subsequent year, the entryman's payment of charges under this paragraph shall be applied to payment of water charges for the succeeding year.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Riverton, Wyoming.

8. *Construction charges.* The lands described in paragraph 1 will be subject to the payment of construction charges for the purpose of repaying the United States the cost of constructing the irrigation works serving these lands. Payment of these charges will be in accordance with the terms of the contracts with the Midvale Irrigation District referred to in paragraph 6. These charges will be levied by the Midvale Irrigation District in forty (40) annual installments. The first of these installments is payable in the third year following the year the lands are included in the Midvale Irrigation District. If public lands are already included in the District, the first installment is payable in the third year following the year of entry. The total of the construction costs which the District has agreed to repay is \$5,000,000, exclusive of interest and penalties.

9. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

J. A. KRUG,  
*Secretary of the Interior.*

[F. R. Doc. 47-6499; Filed, July 11, 1947;  
8:46 a. m.]

## TREASURY DEPARTMENT

### Bureau of Customs

[T. D. 51715]

BARBER ASPHALT CORP. ET AL.

REGISTRATION OF HOUSE FLAG AND FUNNEL  
MARK

JULY 8, 1947.

House flag and funnel mark of Barber  
Asphalt Corporation, Trinidad Corpora-

tion, and Trinidad Navigation Corporation registered in accordance with § 3.81 (a) Customs Regulations of 1943.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 23, 1903 (U. S. C., Title 46, sec. 49) as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.81 (a)), has reregistered the house flag and funnel mark of the Barber Asphalt Corporation, a New Jersey corporation, as described in a notice published in the FEDERAL REGISTER for November 6, 1946 (T. D. 51557; 11 F. R. 13216), in the name of the Barber Asphalt Corporation, a Delaware corporation, successor in interest to the New Jersey corporation of the same name, and in the names of its two wholly owned subsidiaries, the Trinidad Corporation, a Delaware corporation, and the Trinidad Navigation Corporation, a corporation of Panama.

The registration of the house flag and funnel mark in the name of the Barber Asphalt Corporation, a New Jersey corporation, is hereby cancelled.

[SEAL] FRANK DOW,  
*Acting Commissioner of Customs.*

[F. R. Doc. 47-6528; Filed, July 11, 1947;  
8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS,  
CHICAGO, ILL.

### NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on August 1, 1946 (5 A. D. 592), effective August 2, 1946, providing for certain temporary rates and charges for the respondent market agencies for a period ending August 2, 1947. Subsequently, on October 11, 1946 (5 A. D. 748), another supplemental order was issued by the Judicial Officer granting permission to the respondents to file an amendment to their tariff.

By petitions dated May 29, 1947, the respondents requested that the temporary rates and charges now in effect be extended "for an additional month beyond August 2, 1947." Notices of the filing of these petitions were published in the FEDERAL REGISTER on June 25, 1947 (12 F. R. 4121). By another petition dated June 30, 1947, the respondents have requested that the supplemental order issued August 1, 1946, supra, as modified by the supplemental order of October 11, 1946, supra, be further extended to and including October 2, 1947.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons

of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] H. E. REED,  
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 47-6547; Filed, July 11, 1947;  
8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-620, G-807]

PANHANDLE EASTERN PIPE LINE CO.

### NOTICE OF ISSUANCE OF OPINION

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its Opinion No. 152 and order entered July 3, 1947, in the above-designated matters, terminating proceedings in Docket No. G-807 and modifying order issuing certificate of public convenience and necessity in Docket No. G-620.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 47-6525; Filed, July 11, 1947;  
8:48 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

### NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its findings and order entered July 3, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 47-6523; Filed, July 11, 1947;  
8:48 a. m.]

[Docket No. IT-6063]

FLORIDA POWER CORP.

### NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its order entered July 7, 1947, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 47-6524; Filed, July 11, 1947;  
8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 230]

### RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396. (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., July 3, 1947, by Piowaty Berchart Company, of car SFRD 21573, potatoes, now on the Wabash to Chicago, Ill., and car CX 50111, potatoes, to Miami, Fla.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of July, 1947.

HOMER C. KING,  
Director  
Bureau of Service.

[F. R. Doc. 47-6515; Filed, July 11, 1947;  
8:47 a. m.]

[S. O. 396, Special Permit 231]

### RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., July 7, 1947, by Louis D. Goldstein, of cars ART 23992, ART 16800 and RD 23453, tomatoes, now on the PRR to Harry Klein, New York, N. Y. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of July 1947.

HOMER C. KING,  
Director  
Bureau of Service.

[F. R. Doc. 47-6516; Filed, July 11, 1947;  
8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-980]

### GULF, MOBILE & OHIO RAILROAD CO.

#### FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf, Mobile & Ohio Railroad Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 585,576 shares outstanding, 63,318 shares are owned by 293 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 323 transactions involving 37,287 shares during a twelve-month period ended February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf, Mobile & Ohio Railroad Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-6510; Filed, July 11, 1947;  
8:48 a. m.]

[File No. 7-981]

### JOY MANUFACTURING CO.

#### FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, \$1.00 Par Value, of Joy Manufacturing Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 671,417 shares outstanding, 69,501 shares are owned by 547 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 210 transactions involving 15,265 shares during a twelve-month period ending February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, \$1.00 Par Value, of Joy Manufacturing Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-6507; Filed, July 11, 1947;  
8:47 a. m.]

[File No. 7-993]

### CHICAGO AND NORTH WESTERN RAILWAY CO. ORDER DETERMINING EQUIVALENT VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

The Philadelphia Stock Exchange has made application under Rule X-12F-2

(b) for a determination that the \$100 Par 5% Convertible Preferred Stock, Series A, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for \$100 Par 5% Convertible Preferred Stock, Series A, of that company and for a determination that the Common Stock, No Par Value, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company. The Voting Trust Certificates for \$100 Par 5% Convertible Preferred Stock, Series A, and the Voting Trust Certificates for Common Stock, No Par Value, of Chicago and North Western Railway Company heretofore have been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

*It is ordered*, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the \$100 Par 5% Convertible Preferred Stock, Series A, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for \$100 Par 5% Convertible Preferred Stock, Series A, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

*It is further ordered*, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6509; Filed, July 11, 1947;  
8:48 a. m.]

[File Nos. 59-85, 70-1250]

PENNSYLVANIA EDISON CO. ET AL.

#### ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of July 1947.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250; Pennsylvania Edison Company, Associated Electric Company, File No. 59-85.

The Commission by order dated June 19, 1946 having approved a joint application filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Associated Electric Company and its public utility subsidiary companies, Pennsylvania Electric Company and Pennsylvania Edison Company,

for, among other things, the approval of a plan of liquidation of Pennsylvania Edison Company and for the acquisition by Pennsylvania Electric Company of the utility assets of Pennsylvania Edison Company, subject to the following condition, among others:

That Pennsylvania Electric Company divest itself of all direct and indirect interest in and control over any and all gas properties of Pennsylvania Edison Company to be acquired by Pennsylvania Electric Company in connection with the proposed transactions in any appropriate manner not in contravention of the applicable provisions of the act and the rules and regulations thereunder within one year from the acquisition of such properties or within such longer period (not to exceed one additional year) as may be permitted for good cause pursuant to section 11 (c) of the act,

and Pennsylvania Electric Company having requested that the time within which it may complete compliance with the provisions of said order be extended for a period of an additional year, and having stated, in connection with such request, that the acquisition by it of the assets of Pennsylvania Edison Company was consummated on July 2, 1946, and that, since that date, it received certain offers for the gas properties which were not accepted because, in its opinion, none of such offers constituted a fair price for the properties, and that new negotiations with persons who have indicated an interest in the properties are presently pending, and

The Commission having considered the matter and deeming it appropriate and in the public interest that the extension of time be granted for a period of six months without prejudice, however, to any further request for such additional extension of time as may be deemed appropriate but not in excess of an additional six months:

*It is ordered*, That said order of June 19, 1946, be, and hereby is, modified to the extent necessary to extend to January 2, 1948, the time within which Pennsylvania Electric Company shall divest itself of all direct and indirect interest in and control over any and all gas properties formerly owned by Pennsylvania Edison Company and acquired by Pennsylvania Electric Company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6508; Filed, July 11, 1947;  
8:48 a. m.]

[File No. 70-1432]

NORTH AMERICAN CO.

#### SUPPLEMENTAL ORDER GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of July 1947.

The North American Company ("North American") a registered holding company, having filed a supplemental application-declaration pursuant to the Public Utility Holding Company Act of 1935 with respect to the sale by North Ameri-

can pursuant to the competitive bidding provisions of Rule U-50, of its holdings of 133,383 shares of common stock of The Cleveland Electric Illuminating Company ("Cleveland"), and

The Commission, by order dated June 27, 1947, having granted and permitted to become effective said supplemental application-declaration, subject to the condition, among others, that the proposed sale of said Cleveland common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose; and

North American having filed an amendment herein stating that the following bids have been received for said 133,383 shares of Cleveland common stock:

Bidding group headed by	Price per share to company
Dillon, Read & Co., Inc.	\$42.133
Lehman Bros.—Bear, Stearns & Co.	42.041
The First Boston Corp.	41.83
Otis & Co.	41.25
White, Weld & Co.—Shields & Co.	41.25

And it appearing from said amendment that North American has accepted the bid of Dillon, Read & Co., Inc. and that said Cleveland common stock will be offered for sale to the public at a price of \$43.25 per share, resulting in an underwriting spread of \$1.117 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said Cleveland common stock or the underwriting spread:

*It is ordered*, That jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released and that said supplemental application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6506; Filed, July 11, 1947;  
8:47 a. m.]

[File No. 70-1541]

BIRMINGHAM GAS CO.

#### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

Birmingham Gas Company ("Birmingham") a gas utility subsidiary of Southern Natural Gas Company, a registered holding company, in turn a subsidiary of Federal Water and Gas Cor-



poration, also a registered holding company, having filed an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, with respect to the following transactions:

Birmingham proposes to borrow \$400,000 from the Chase National Bank of New York and \$200,000 from The Continental Bank & Trust Company of New York, or an aggregate amount of \$600,000, and to issue in evidence thereof its promissory notes bearing interest at the rate of 2½% per annum and maturing at the rate of \$50,000 semi-annually. The proceeds of said loans are to be used for the construction of improvements and extensions to the company's properties; and

Said application having been filed on the 2nd day of June 1947, and amendments having been filed on June 16th and 30th, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The issue and sale by Birmingham of such promissory notes having been expressly authorized by the Alabama Public Service Commission; and

Applicant having requested that the Commission's order granting the application become effective immediately upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application, as amended, be granted;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be and the same hereby is, granted forthwith.

By the Commission,

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6503; Filed, July 11, 1947;  
8:47 a. m.]

[File No. 70-1550]

INTERSTATE POWER CO.  
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Interstate Power

Company ("Interstate") a registered holding company, and a subsidiary of Ogden Corporation, a registered holding company. Declarant designates sections 6 and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 14, 1947, and 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

A plan for the reorganization of Interstate was approved under section 11 (e) of the act by the Commission on January 24, 1947 (Holding Company Act Release Nos. 7143 and 7159) and by the District Court of the United States for the District of Delaware on April 24, 1947, but said plan has not, as yet, been consummated. By orders entered on November 14, 1946, and March 6, 1947, (Holding Company Act Release Nos. 7001 and 7329) the Commission approved the issuance and sale by Interstate of an aggregate of \$1,400,000 of short-term collateral promissory notes to The Chase National Bank of the City of New York ("Chase") and Manufacturers Trust Company, New York ("Manufacturers"), the proceeds of which were used to finance Interstate's construction program and to restore current working funds which had been reduced below normal requirements in order to finance such new construction. The presently proposed transactions, which are designed to provide further funds for Interstate's construction program, follow:

1. The issue and sale, on or before August 1, 1947, of two Collateral Promissory notes, each in the principal amount of \$550,000, bearing interest at the rate of 2% per annum and maturing on December 1, 1947, one of said notes to be sold to Chase, and the other to Manufacturers.

2. The issue and pledge as collateral security for the aforesaid notes of \$1,100,000 principal amount of Interstate's First Mortgage Gold Bonds, 5% Series, due January 1, 1957.

3. The issue and sale, on or before October 15, 1947, of two Collateral Promissory Notes, each in the principal amount of \$250,000, bearing interest at a rate not exceeding 2% per annum and maturing on December 1, 1947; one of said notes

to be sold to Chase, and the other to Manufacturers.

4. If the aforesaid plan of reorganization of Interstate is not consummated prior to the issuance of said \$500,000 principal amount of notes, the issue and pledge, as collateral security for said notes, of \$500,000 principal amount of Interstate's First Mortgage Bonds, 5% Series, due 1957.

5. If the aforesaid reorganization plan is consummated prior to the maturity date, December 1, 1947, of the aforesaid aggregate \$1,600,000 principal amount of notes, the issue and sale of two promissory notes, each in the principal amount of \$800,000 and maturity no more than one year from the date of issue and bearing interest at a rate not exceeding 2% per annum, one of said notes to be sold to Chase, and the other to Manufacturers. Said notes are either to be unsecured, or if unsecured loans cannot be obtained, to be secured by the pledge, at the earliest date practicable after issuance of said notes, consistent with the provisions of Interstate's proposed Indenture and First Supplemental Indenture, to be dated as of June 1, 1947, of an equal aggregate principal amount of First Mortgage Bonds, -----% Series, due 1977, to be issued under said Indenture. Said issue and sale of notes will be for the purpose of permitting the repayment of the aforesaid aggregate \$1,600,000 principal amount of Collateral promissory notes, which are to be issued for the purpose of financing Interstate's construction program.

Interstate represents that by reason of credits which it will have in its account with the Corporate Trustee under the Indenture securing its First Mortgage Gold Bonds, 5% Series, due January 1, 1957, based on property additions, it will be entitled to the authentication and delivery by said trustee, prior to July 15, 1947, of \$1,100,000 principal amount of additional 5% Bonds, and will be entitled, by reason of similar credits, to the authentication and delivery by said trustee, prior to October 15, 1947, of an additional \$500,000 principal amount of said bonds. Interstate further represents that since property additions, as defined in the proposed Indenture and First Supplemental Indenture to be dated as of June 1, 1947, made subsequent to December 31, 1946, will be fundable, Interstate will be entitled under the provisions of said Indenture, on the basis of property additions made subsequent to December 31, 1946, to the authentication and delivery by the Corporate Trustee under said Indenture of \$1,600,000 principal amount of First Mortgage Bonds, ---% Series, due 1977, at the time of the consummation of the reorganization plan, in case it is necessary to issue said bonds as collateral security as outlined in paragraph 5 above.

The filing further states that it is contemplated that the collateral promissory notes in the aggregate principal amount of \$1,400,000 heretofore issued and sold to the aforesaid banks will be retired with part of the proceeds of the sale of the new securities to be issued upon consummation of Interstate's reorganization plan. The presently proposed

notes in the aggregate principal amount of \$1,600,000 will continue to remain outstanding after the consummation of the reorganization plan, until such time as Interstate considers it feasible to arrange for permanent refinancing of said notes.

The declarant requests that the Commission's order be issued herein on or before July 15, 1947, and become effective forthwith in view of its urgent need of the funds to be obtained from the aforesaid proposed financing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6504; Filed, July 11, 1947;  
8:47 a. m.]

[File No. 70-1560]

GAS SERVICE CO.

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

Notice is hereby given that The Gas Service Company ("Gas Service"), a subsidiary of Cities Service Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") Applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a full statement of the transactions therein proposed which are summarized below:

Gas Service proposes to purchase from Wallace Gilroy and Helene D. Gilroy all of the issued and outstanding capital stock of Interstate Gas Company ("Interstate") consisting of 500 shares of common stock without par value and 1,200 shares of 6% Non-Cumulative Preferred Stock of the par value of \$100 per share, for a cash consideration of \$1,200,000. Such purchase price is subject to certain adjustments with respect to the payment of dividends by Interstate subsequent to February 28, 1947 and the amount of proceeds received by Interstate upon divestment of its ownership of all of the issued and outstanding capital stock of its subsidiary, Interstate Pipe Line Company, which divestment is to precede the purchase by Gas Service of the stock of Interstate.

The application states that the purchase of the capital stock of Interstate by Gas Service is solely for the purpose of acquiring the physical property and assets of Interstate, that, upon the acquisition of such stock, Gas Service will cause all such property and assets to be conveyed to it, that Gas Service will assume all liabilities of Interstate, including Mortgage Bonds of Interstate in the principal amount of \$341,000, and that Interstate will be dissolved. The application indicates that the Public Service Commission of Missouri and the State Corporation Commission of Kansas are

the only other regulatory authorities having jurisdiction with respect to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application, and that said application shall not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules and regulations thereunder be held at 10:00 a. m., e. d. s. t., on the 24th day of July 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before July 23, 1947, a written request relevant thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary study of said application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed acquisition of securities of Interstate by Gas Service will tend toward the economical and efficient development of an integrated public utility system.

2. Whether the proposed transactions are detrimental to the carrying out of the provisions of section 11 (b) of the act.

3. Whether the consideration to be paid by Gas Service for the stock of Interstate is reasonable and bears a fair relation to the sums invested in and the earning capacity of Interstate.

4. Whether the fees and expenses to be paid by Gas Service in connection with the proposed transactions are reasonable and appropriate.

5. Whether the accounting entries to be made by Gas Service in connection with the proposed transactions are proper and in accordance with sound accounting principles.

6. Whether appropriate approval has been obtained from all other regulatory bodies having jurisdiction with respect to the proposed transactions.

7. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Gas Service, the Public Service Commission of Missouri, the State Corporation Commission of Kansas and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release distributed to the press.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6505; Filed, July 11, 1947;  
8:47 a. m.]

[File No. 811-467]

AMERICAN RAILWAYS CORP.

#### NOTICE OF SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July A. D. 1947.

Notice is hereby given that American Railways Corporation has filed a supplemental application requesting an extension until December 29, 1947, of the time within which to transmit its first report to stockholders (as of November 30, 1947), in lieu of the requirement imposed by the Commission's findings and order of November 13, 1946 for the transmission of reports to stockholders as of June 30, 1947, and annually thereafter, in accordance with section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 thereunder, until final distribution of applicant's assets has been completed.

The supplemental application states that at the time of the entry of the Commission's order applicant anticipated that the determination of taxes due to the Federal Government would have been completed and applicant would be in a position to make a final distribution of its assets on or before June 30, 1947; that such determination has not been completed and it is expected that such determination will be completed in the next three or four months; and that applicant has nothing further to report to stockholders in addition to the facts which were set forth in the report (as of December 31, 1946) mailed to them on or about January 28, 1947.

All interested persons are referred to said application which is on file at the offices of the Commission in Philadelphia, Pennsylvania, for a more detailed statement of the matters of fact and law therein asserted.

Notice is hereby given that an order granting the supplemental application may be issued by the Commission at any time after July 18, 1947, unless prior thereto a hearing upon the supplemental application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 15, 1947, at 5:30 p. m., eastern

daylight saving time, submit to the Commission in writing his views or any additional facts bearing upon this supplemental application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities & Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pa., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6511; Filed, July 11, 1947;  
8:52 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9225]

GOTTFRIED BACHER ET AL.

In re: Bank accounts owned by Gottfried Bacher, Richard Bacher, Emma Bacher and Minnie Bacher, also known as Minna Bacher. F-28-9154-E-1, F-28-9157-E-1, F-28-9155-E-1, F-28-9156-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottfried Bacher, Richard Bacher, Emma Bacher and Minnie Bacher, also known as Minna Bacher, whose last known addresses are Germany are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Gottfried Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,691, entitled Gottfried Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Richard Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,692, entitled Richard Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Emma Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,693, entitled Emma Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Minnie Bacher, also known as Minna Bacher, by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,694, entitled Minnie Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6529; Filed, July 11, 1947;  
8:49 a. m.]

[Vesting Order 9226]

BRINCKMANN, WIRTZ & Co.

In re: Bank account owned by Brinckmann, Wirtz & Co. F-28-22167-E-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Brinckmann, Wirtz & Co., the last known address of which is Post-schliessfach 744, Hamburg 1, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Brinckmann, Wirtz & Co., by Bank of The Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account entitled Brinckmann, Wirtz & Co., and any

and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6530; Filed, July 11, 1947;  
8:49 a. m.]

[Vesting Order 9227]

C. R. CLAVEL

In re: Debt owing to C. R. Clavel. F-28-4391-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. R. Clavel, whose last known address is Chemnitz, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to C. R. Clavel, by Corn, Schwarz & Co., 60 Beaver Street, New York 4, N. Y., in the amount of \$1,140.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6531; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9228]

K. EMURA

In re: Bank account owned by K. Emura. F-39-2255-E-1, F-39-2255-E-2.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Emura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to K. Emura, by The United States National Bank of Galveston, 2201 Market Street, Galveston, Texas, arising out of a Checking Account, entitled K. Emura, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to K. Emura, by Hutchings-Sealy National Bank of Galveston, 2202-2204 Market Street, Galveston, Texas, arising out of a Checking Account, entitled K. Emura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6532; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9230]

MASUMI HANAOKA ET AL.

In re: Stock owned by Masumi Hanaoka and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That Paul R. Tiefenbacher, whose last known address is Pferdemarkt 45, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

3. That the personal representatives, heirs, next of kin, legatees and distributees of Jacob Hirsch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

4. That the property described as follows: Eight (8) shares of no par value common capital stock of Rusi Corporation, % Commodity Exchange, 81 Broad Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the voting trust certificates whose numbers are listed in Exhibit A, registered in the names of the persons listed therein in the amounts set forth opposite said names, together with all declared and unpaid dividends thereon, and all rights thereunder to proceeds of the liquidation of said Rusi Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Japan),

5. That the property described as follows: Two (2) shares of no par value

common capital stock of Rusi Corporation, % Commodity Exchange, 81 Broad Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the voting trust certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names, as follows:

Registered owner	Voting trust certificate No.	Number of shares
Paul R. Tiefenbacher.....	B24.....	1
Estate of Jacob Hirsch, deceased..	B33.....	1

together with all declared and unpaid dividends thereon, and all rights thereunder to proceeds of the liquidation of said Rusi Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Paul R. Tiefenbacher and the personal representatives, heirs, next of kin, legatees and distributees of Jacob Hirsch, deceased, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that the persons referred to in subparagraph 1 be treated as nationals of a designated enemy country (Japan) and the persons referred to in subparagraphs 2 and 3 be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

EXHIBIT A

Name of registered owner	Voting trust certificate No.	Number of shares
Masumi Hanaoka.....	A163.....	1
Takeo Ito.....	A121.....	1
Reyuko Ishio.....	A120.....	1
Yoshio Kimura.....	A127.....	1
Byochi Sato.....	A156.....	1
Shigeki Tanjima.....	B222.....	1
Shigemitsu Tanaka.....	A231.....	1
Katsuke Yamaguchi.....	B254.....	1

[F. R. Doc. 47-6533; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9234]

ALBERT JURGELEIT

In re: Stock owned by Albert Jurgeleit.  
F-28-2553-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Jurgeleit, whose last known address is Spandau, Berlin, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Three-Hundred Seventy Five (375) shares of \$5.00 par value common capital stock of Utah-Idaho Sugar Company, 200 Beneficial Life Building, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah, evidenced by a certificate numbered 36582, registered in the name of Albert Jurgeleit, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6534; Filed, July 11, 1947;  
8:49 a. m.]

[Vesting Order 8235]

WOLFGANG MUELLER

In re: Bank account owned by Wolfgang Mueller. F-28-7866-C-1, F-28-7866-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Mueller, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Wolfgang Mueller, by Windham County National Bank, Danielson, Connecticut, arising out of a Checking Account, entitled Wolfgang Mueller, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

Claimant	Claim No.	Property and location
Emil Reichert, Glenside, Pa.....	6471	Nineteen (19) shares of \$100 par value common capital stock of the American Telephone & Telegraph Co., evidenced by certificates numbered P 153363 and P 153364 for four (4) shares each, R 258303 for five (5) shares, and PN 62890 for six (6) shares, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York; \$126.79 in the Treasury of the United States representing dividends from said shares.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6545; Filed, July 11, 1947;  
8:51 a. m.]

[Vesting Order 9237]

FRITZ PINTUS

In re: Bank account owned by Fritz Pintus. F-28-14035-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Pintus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of American Trust Company, 464 California Street, San Francisco, California, arising out of a Savings Account; Account Number 2676, entitled Philip S. Ehrlich, trustee for Fritz Pintus as a national of Germany, and any and all

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6535; Filed, July 11, 1947;  
8:49 a. m.]

EMIL REICHERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Pintus, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.



Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6537; Filed, July 11, 1947;  
8:50 a. m.]

[Vesting Order 9245]

YAMANAKA SHOTEN

In re: Debt owing to Yamanaka Shoten. F-39-5866-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamanaka Shoten, the last known address of which is Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Yamanaka Shoten, by Standard-Vacuum Oil Company, 26 Broadway, New York 4, New York, in the amount of \$155.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6539; Filed, July 11, 1947;  
8:50 a. m.]

[Vesting Order 9257]

ALBERT F. PRZYGODDA

In re: Estate of Albert F. Przgodda, deceased. File No. F-28-22288-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Stutius, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Albert F. Przgodda, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Hamilton Gray, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6540; Filed, July 11, 1947;  
8:50 a. m.]

[Vesting Order 9238]

BERTHA RENGERT

In re: Debt owing to Bertha Rengert. F-28-13327-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Rengert, whose last known address is 19 Krefting Str., Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obliga-

tion owing to Bertha Rengert, by Schilling Estate Company, 225 Bush Street, San Francisco 4, California, in the amount of \$3,861.33, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6538; Filed, July 11, 1947;  
8:50 a. m.]

[Vesting Order 9254]

PAUL MUHLENDORF

In re: Trust created under the will of Paul Muhlenhoff, deceased. File F-28-7006; E. T. sec. 11862.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Pintus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the children, names unknown, of Fritz Pintus, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the will of Paul Muhlenhoff, deceased

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

## NOTICES

count of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Fritz Pintus are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6482; Filed, July 10, 1947;  
8:46 a. m.]

[Vesting Order 9255]

HELENE NEEDHAM

In re: Estate of Helene Needham, deceased. File D-28-11476; E. T. sec. 15699.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Behensee, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Helene Needham, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by L. Catherine Emalie, as executrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6483; Filed, July 10, 1947;  
8:46 a. m.]

[Vesting Order 9256]

ANNA STERN PLETCHER

In re: Estate of Anna Stern Pletcher, deceased. D-28-11791, E. T. sec. 15998.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lizzie Stern and Henny Stern, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Stern Pletcher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Pearl Stern Wefel, as Executrix, acting under the judicial supervision of the Probate Court of Muskingum County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6484; Filed, July 10, 1947;  
8:46 a. m.]

[Vesting Order 9281]

G. SAKURAI

In re: Stock owned by G. Sakurai. F-39-1517-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Sakurai, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Seven (7) shares of (old) \$25.00 par value common capital stock of Fireman's Fund Insurance Company, 401 California Street, San Francisco 20, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered B-22700, registered in the name of G. Sakurai, together with all declared and unpaid dividends thereon, and all rights to exchange each share of (old) \$25.00 par value stock for 1½ shares of (new) \$10.00 par value stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6485; Filed, July 10, 1947;  
8:46 a. m.]